

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

ORDINANCE NO. 521

AN ORDINANCE TO REPEAL CHAPTERS 110 (SITE PLAN REVIEW) AND 290 (SUBDIVISION OF LAND) AND REENACT CHAPTER 110 OF THE CODE OF THE TOWN OF ST. MICHAELS AS THE TOWN'S SITE PLAN REVIEW AND LAND SUBDIVISION ORDINANCE FOR BETTER ORGANIZATION AND USE.

WHEREAS, the Commissioners of St. Michaels (the “Commissioners”), a Municipal Corporation, have been delegated certain powers pursuant to the Maryland Annotated Code, Local Government Code, Division II, and Land Use Article, Division II to govern site plan review and subdivision of land within its municipal boundaries; and

WHEREAS, the Commissioners have the power to repeal Chapter 290 Subdivision of Land and amend Chapter 110 Site Plan Review of the St. Michaels Town Code to create one cohesive ordinance; and

WHEREAS, beginning in September of 2020 members of the St. Michaels Planning Commission (the “Planning Commission”), Town staff, and a consultant engaged by the Town, undertook a complete update of the Town’s Site Plan Review and Subdivision of Land Ordinances codified as Chapters 110 and 290 of the Code of the Town of St. Michaels whereby the two chapters were combined and recommended revisions thereto were reviewed and discussed; and

WHEREAS, the Planning Commission held at least five work sessions to discuss proposed revisions to the Site Plan Review and Land Subdivision Ordinance, all of which were open to the public; and

WHEREAS, on January 26, 2021, the Planning Commission held public hearing regarding the draft revised Site Plan Review and Land Subdivision Ordinance; and

WHEREAS, the Planning Commission recommend that the Commissioners approve a text amendment repealing Chapters 290 and 110 and reenacting the Site Plan Review and Land Subdivision Ordinance to incorporate the revisions and recommendations of the Planning Commission, and the public; and

WHEREAS, having considered the recommendations of the Planning Commission and Staff, as well as the comments made during the _____, 2021 public hearing, the Commissioners are desirous of repealing Chapters 290 and 110 and reenacting Chapter 110 Site

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

Plan Review and Land Subdivision of the Town Code to incorporate the revisions and recommendations of the Planning Commission, and the public; and

WHEREAS, the Commissioners deem it in the interest of the public health, welfare, and safety of the citizens of the Town, and for the good government of the Town, to enact this Ordinance and to take the actions as described herein.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 110 (Site Plan Review) and Chapter 290 (Subdivision of Land) of the Code of the Town of St. Michaels are hereby repealed in their entirety and reenacted to read as set forth in the Chapter 110 (Site Plan Review and Land Subdivision) as set forth below in Section 2.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

| | | |
|--|--|----------|
| | Chapter 110. Site Plan Review and Land Subdivision | 5 |
| | Article I. Purpose, Intent, and Interpretation..... | 5 |
| § 110-1. Purpose and intent..... | | 5 |
| § 110-2. Short title. | | 5 |
| § 110-3. Compliance required..... | | 5 |
| | Article II. Site Plan Review | 7 |
| § 110-4. Submission procedure..... | | 7 |
| § 110-5. Sketch plan. | | 8 |
| § 110-6. Preliminary site plan submission requirements. | | 8 |
| § 110-7. Preliminary site plan review. | | 8 |
| § 110-8. Final site plan..... | | 9 |
| § 110-9. Effect of site plan approvals. | | 9 |
| § 110-10. Revision. | | 10 |
| § 110-11. Required approvals and permits. | | 10 |
| § 110-12. Inspection of work. | | 10 |
| § 110-13. Approval and acceptance..... | | 11 |

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

| | | |
|----|---|-----------|
| 57 | § 110-14. Guarantees. | 11 |
| 58 | § 110-15. Building permit. | 12 |
| 59 | § 110-16. Certificate of use and occupancy. | 12 |
| 60 | § 110-17. Reserved. | 12 |
| 61 | § 110-18. Reserved. | 12 |
| 62 | Article III. Land Subdivision. | 12 |
| 63 | § 110-19. Word usage; interpretation. | 12 |
| 64 | § 110-20. Jurisdiction and interpretation. | 15 |
| 65 | § 110-21. Transfer of land; issuance of building permits. | 15 |
| 66 | § 110-22. Procedures for Subdivision of Land. | 16 |
| 67 | § 110-23. Approval authority. | 17 |
| 68 | § 110-24. Conformance to applicable rules and regulations. | 17 |
| 69 | § 110-25. Revision plats. | 17 |
| 70 | § 110-26. Sketch plan. | 18 |
| 71 | § 110-27. Submittal of applications. | 19 |
| 72 | § 110-28. Technical Advisory Committee (TAC) review. | 19 |
| 73 | § 110-29. Preliminary subdivision plats. | 20 |
| 74 | § 110-30. Final subdivision plats. | 21 |
| 75 | § 110-31. Modifications to approved subdivision plats. | 22 |
| 76 | § 110-32. Expiration of approval for subdivision plats. | 23 |
| 77 | § 110-33. Maintenance and completion of public and private improvements. | 23 |
| 78 | § 110-34. Common space; private improvements. | 24 |
| 79 | § 110-35. Subdivision straddling jurisdictional boundaries. | 25 |
| 80 | § 110-36. Subdivision name. | 26 |
| 81 | § 110-37. Violations and penalties. | 26 |
| 82 | § 110-38. Appeals. | 27 |
| 83 | Article IV Subdivision Design Standards. | 27 |
| 84 | § 110-39. Applicability. | 27 |
| 85 | § 110-40. Modification of requirements. | 27 |
| 86 | § 110-41. General requirements. | 28 |

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

| | | |
|-----|--|-----------|
| 87 | § 110-42. Streets in general..... | 28 |
| 88 | § 110-43. Street standards..... | 29 |
| 89 | § 110-44. Street intersections..... | 29 |
| 90 | § 110-45. Street signs..... | 29 |
| 91 | § 110-46. Sidewalks..... | 30 |
| 92 | § 110-47. Blocks..... | 30 |
| 93 | § 110-48. Lots..... | 30 |
| 94 | § 110-49. Pipestem lots..... | 30 |
| 95 | § 110-50. Public sanitary sewers, water supply, and utilities..... | 31 |
| 96 | § 110-51. Drainage easements..... | 31 |
| 97 | § 110-52. Standards for development in Critical Area Overlay District..... | 32 |
| 98 | Article V. Required Improvements Subdivisions..... | 32 |
| 99 | § 110-53. Purpose..... | 32 |
| 100 | § 110-54. Revision of plats..... | 32 |
| 101 | § 110-55. Required improvements; standards, and specifications..... | 32 |
| 102 | § 110-56. Submittal of plans by applicant..... | 38 |
| 103 | § 110-57. Inspection of work..... | 39 |
| 104 | § 110-58. Approval and acceptance..... | 40 |
| 105 | Article VI. Improvement Guarantees Subdivisions..... | 40 |
| 106 | § 110-59. Public works agreements..... | 40 |
| 107 | § 110-60. Bonds..... | 41 |
| 108 | § 110-61. Appeals..... | 44 |
| 109 | | |

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

110 **Chapter 110. Site Plan Review and Land Subdivision**

111 **Article I. Purpose, Intent, and Interpretation.**

112 **§ 110-1. Purpose and intent.**

113 A. The purpose of these regulations is:

114 (1) to regulate and control the division of land within St. Michaels to promote public
115 health, safety, morals, and general welfare; and

116 (2) ensure compliance with applicable provisions of enacted regulations and prescribe
117 standards for the design and construction of site improvements.

118 B. It is the general intent of these regulations is:

119 (1) Ensure that site development and land subdivision meet the design principles and
120 standards and required improvements outlined in this Chapter, the St. Michaels
121 Comprehensive Plan, Chapter 340 Zoning, and other ordinances, regulations, and
122 policies established by the Town of St. Michaels;

123 (2) Assure sites are suitable for building purposes and human habitation;

124 (3) Regulate the flow of traffic in the streets and highways, providing for the safe,
125 orderly, and smooth flow of traffic and providing streetscapes that are hospitable to
126 pedestrians, bicyclists, and the character of St. Michaels;

127 (4) Ensure adequate provision of public services, including transportation, water,
128 sewerage, schools, parks, and other public facilities and utilities;

129 (5) Protect wetlands, streams, areas of steep slopes, highly erodible soils (and other
130 soils with development constraints), shorelines, and plant and wildlife habitats; and

131 (6) Ensure any proposed use, structure, or development activity does not negatively
132 affect the Chesapeake Bay's water quality and its tributaries.

133 **§ 110-2. Short title.**

134 This Chapter may be referred to as the "St. Michaels Site Plan and Land Subdivision
135 Regulations."

136 **§ 110-3. Compliance required.**

137 A. Site Plans

(1) Applicability. An approved site plan is required before the Town issues a building permit for any of the following uses, including the enlargement or replacement of associated structures.

(a) multifamily uses,

(b) commercial uses,

(c) industrial uses,

(d) multiple uses, and

(e) changes of use when additional parking is required.

(2) Site plan submission is not required for an individual single-family, two-family, or duplex dwelling unit or a change of use when no additional parking is required.

(3) Site plans shall be approved by the Planning Commission. The Zoning Inspector is authorized to review and approve simplified site plans for enlargement or expansion of structures involving multifamily, commercial, industrial, or multiple uses when such enlargement or expansion meets the following criteria:

(1) involves a structure of four hundred (400) square feet or less and no other expansion or enlargement has been approved in the preceding twelve (12) months;

(2) does not involve the creation of additional dwelling units;

(3) has no adverse impact on approved stormwater management facilities or municipal infrastructures, including utilities; and

(4) is in full compliance with all criteria, as outlined in this Chapter.

B. Land Subdivision

(1) It shall be unlawful for the owner of any land within the jurisdiction of the Town to which these regulations apply, or any other person, firm, or corporation, to subdivide any lot, tract, or parcel of land, or layout, construct, open or dedicate for public use or travel any street, sanitary sewer, storm sewer, drainage facilities, or other facilities in connection in addition to that, or for the common use of occupants of buildings within the subdivision, unless and until:

(a) A plat of such subdivision is caused to be made per the regulations outlined in this Chapter and the Annotated Code of Maryland Land Use Article. Division I, Title 5, as amended;

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

(b) Approval is secured from the St. Michaels Planning Commission or the Town's Zoning Inspector in the case of a minor revision as provided herein; and

(c) The Planning Commission or Zoning Inspector, as appropriate, has executed copies of final plat(s) to be recorded in the Land Records of Talbot County maintained at the Clerk of the Circuit Court for Talbot County.

Article II. Site Plan Review

§ 110-4. Submission procedure.

A. Site plan approval for any use or structure requiring such review and approval under this Chapter involves a three-step process: sketch plan, preliminary site plan, and final site plan.

(1) A registered professional engineer, registered architect, registered landscape architect, or registered land surveyor licensed in Maryland must prepare preliminary and final site plans.

(2) Applicants shall contact other governmental agencies (e.g., Talbot County Department of Public Works, Maryland State Highway Administration, Maryland Department of Natural Resources) to obtain information as early as possible concerning any additional requirements those agencies may impose.

B. Applications for site plan review shall be filed on the prescribed forms and submitted to the Zoning Inspector. At a minimum, site plan applications shall include the information listed in Appendix A.

(1) The Zoning Inspector or Planning Commission may require additional information that appears necessary for a complete assessment of the proposed development.

(2) At the applicant's request, the Zoning Inspector may, at his or her discretion, waive any information or preliminary requirements that he or she determines are not relevant to the proposed use and site.

C. Notification to contiguous property owners is required in the case of all site plans, which require Planning Commission review and approval. Notification procedures are outlined in Appendix C.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

200 **§ 110-5. Sketch plan.**

- 201 A. Before submitting a preliminary site plan, the applicant may submit ten (10) copies of a
202 sketch plan that includes the information listed in Appendix A to the Zoning Inspector for
203 review and comment.
- 204 B. Upon determining that the application is complete, the Zoning Inspector shall send copies
205 of the sketch plan to the Technical Advisory Committee (TAC) if required and place the
206 matter on the next available Planning Commission meeting agenda following the TAC
207 review.
- 208 C. The Planning Commission shall review and return comments within fifteen (15) days of
209 their meeting, advising the applicant to proceed with a preliminary site plan submittal or
210 resubmit the sketch plan for additional review.
- 211 D. Sketch Plan Review is not intended to be a formal review, and it is the applicant's
212 responsibility to meet all applicable code requirements. Staff and/or the Planning
213 Commission may only provide comments on current development requirements. No
214 permits or approvals are issued as a result of the sketch plan review.

215 **§ 110-6. Preliminary site plan submission requirements.**

- 216 A. The applicant shall submit a minimum of ten (10) paper copies of a preliminary site plan
217 that includes the information listed in Appendix A to the Zoning Inspector for review.
- 218 B. The Zoning Inspector will forward preliminary site plans determined to be complete to
219 the TAC for review and comment. The Zoning Inspector will forward his/her staff report
220 with TAC comments to the Planning Commission. The Zoning Inspector will return to
221 the applicant within fifteen (15) days of receipt of incomplete or deficient applications
222 with an explanation of noted deficiencies.

223 **§ 110-7. Preliminary site plan review.**

- 224 A. The Planning Commission shall review the application and related materials and the
225 Zoning Inspector staff report at a regularly scheduled public meeting and return the plan
226 to the applicant approved, approved subject to conditions, or disapproved. If disapproved,
227 the Zoning Inspector shall convey to the applicant the noted deficiencies and sections of
228 the Town Code that are violated.
- 229 B. When the granting of a special exception is required, the Planning Commission shall
230 forward the site plan, together with their recommendation, to the Board of Appeals. The
231 Board of Zoning Appeals may prescribe additional information to be shown on the plan.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

C. The Zoning Inspector shall determine whether the revision meets all specified conditions and if so, may approve the issuance of building permits following the revision without returning the revised site plan for further Planning Commission review.

D. Major or significant changes in the revised site plan, however, will require Planning Commission review and action.

§ 110-8. Final site plan.

A. Two (2) copies of the final site plan, revised to meet all conditions, shall be submitted to the Zoning Inspector for review. The final site plan shall include the signature and seal of a Maryland registered land surveyor, registered professional engineer, registered architect, or registered landscape architect responsible for the accuracy of the site plan and operating within the scope of his license concerning the services provided. One set will be returned to the applicant with the Planning Commission Chairman's signature of approval.

B. The applicant shall provide digital copies of the plans on a CD or other appropriate medium in ArcGIS or AutoCAD format (ArcGIS preferred) and PDF format. Digital drawings will be georeferenced to Maryland NAD83 datum coordinate system. GPS observations may establish the coordinates for any monuments.

§ 110-9. Effect of site plan approvals.

A. Preliminary site plan. Preliminary site plan approval shall confer upon the applicant the following rights for two (2) years from the date of the preliminary approval:

(1) That the general terms and conditions on an approved preliminary plan shall not be changed, and any change in Town zoning or site plan approval ordinances shall not affect the approved plan.

(2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole, or a section, or sections of the preliminary site plan; and

(3) That the applicant may apply for and the Planning Commission may grant extensions on such preliminary approval for additional periods of at least one year but not exceeding a total extension of two (2) years.

B. Final plan.

(1) Unless construction permits are approved, the final site plan approval shall expire two (2) years after the date of such approval.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

264 (2) The Zoning Inspector may grant a single one-year extension if the applicant
265 submits a written request within ninety (90) days of the approved site plan
266 expiration. The Zoning Inspector shall acknowledge the request and shall forward
267 said request within thirty (30) days after receipt to the Planning Commission for a
268 recommendation regarding the requested extension.

269 **§ 110-10. Revision.**

270 Any site plan may be revised in the same manner as initially approved.

271 **§ 110-11. Required approvals and permits.**

272 The applicant shall also submit copies of all approvals and permits required to construct the
273 project, including, but not limited to, Fire Marshal, Talbot County Public Works, State Highway
274 Administration, Critical Areas Commission, Soil Conservation Service, and associated wetlands
275 permits.

276 **§ 110-12. Inspection of work.**

277 A. Construction of all other required public improvements (water, sewer, streets, curbs, and
278 stormwater retention and treatment facilities) shall be supervised and inspected. All
279 completed improvements shall be tested by or under the supervision of a registered
280 professional engineer, known as the "Inspection Engineer" who shall be selected and
281 employed by the Town at the expense of the applicant.

282 B. The applicant shall maintain a retainer with the Town Clerk/Manager that shall be
283 replenished every month and shall be enough in an amount to cover the reasonably
284 anticipated monthly expenditures for the Inspection Engineer.

285 C. The Town Clerk/Manager will provide the applicant with the Inspection Engineer's
286 monthly invoice, and the parties shall cooperate in resolving billing issues. However, the
287 Town Clerk/Manager shall have the final say in the amount owed to the Inspection
288 Engineer and, thus, in the amount owed to the Town for inspection work.

289 D. The Zoning Inspector may issue a stop-work order if and whenever the applicant fails to
290 fulfill its obligation to pay the Inspection Engineer.

291 E. The applicant shall pay the full expense of the Town's Inspection Engineer before final
292 approval and acceptance of the improvements.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

293 **§ 110-13. Approval and acceptance.**

- 294 A. Upon completion of construction of any public improvements required by this Chapter,
295 and before acceptance by the Town Commissioners, the applicant shall deliver to the
296 Town as-built plans acceptable to the Town Engineer and the Inspection Engineer signed
297 and sealed by a registered professional engineer.
- 298 B. The applicant shall warrant all improvements for one (1) year from the time of
299 acceptance by the Town. The applicant shall obtain a maintenance bond in the amount of
300 20% of the improvements' cost to cover the one-year warranty. In lieu thereof, the
301 performance bond may be extended for the warranty period.
- 302 C. Upon completion of construction following the plans as accepted by the Planning
303 Commission, inspection, and testing to show construction to the required specifications in
304 the judgment of the Town's Inspection Engineer, and warranty of maintenance by the
305 applicant, the Town Commissioners, shall accept the improvements.
- 306 D. Upon the approval and written acceptance of the improvements by the Town, the streets,
307 sidewalks, gutters and curbs, water and sewerage lines, hydrants, pumps, couplings,
308 joints, and all other things connected in addition to that shall become the exclusive
309 property of the Town. Upon written acceptance thereof, the Town shall, after that,
310 assume the responsibility of maintenance.

311 **§ 110-14. Guarantees.**

- 312 A. The owner or developer shall execute a public works agreement before approval of any
313 final site plan. The public works agreement shall address the construction of such
314 required physical improvements located within public rights-of-way or easements or
315 connected to any public facility. The owner or developer shall provide a bond or
316 irrevocable letter of credit naming the Town as the payee in the amount of the estimated
317 costs of the required physical improvement.
- 318 B. The agreement described above and bond or condition shall remain in effect through the
319 completion of all work covered. The Town Commissioners may extend time upon written
320 application of the owner of the developments, signed by all parties (including sureties) to
321 the original agreement. The Town Commissioners shall determine the adequacy,
322 condition, and acceptability of any bond hereunder. The Town Attorney shall determine
323 the legal sufficiency of the bond or form of surety.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

324 **§ 110-15. Building permit.**

325 Any building permit, zoning certificate, or occupancy permit issued for any structure covered by
326 the site plan shall conform with the site plan as finally approved.

327 **§ 110-16. Certificate of use and occupancy.**

328 Certificates of use and occupancy shall be applied for and shall be issued within ten (10) working
329 days after the property owner or owner's representative has notified by the Zoning Inspector of
330 completion of all improvements in compliance with the approved site plan, provided:

331 A. The on-site construction and improvements noted in the approved site plan upon
332 inspection are found completed and acceptable to the Building Official.

333 B The off-site improvements related to and necessary to service the site have been
334 completed and inspected, and accepted by the designated Town Engineer, State
335 Department of Transportation, or appropriate agencies.

336 C. The developer has provided surety acceptable to the relevant agencies.

337 D. The applicant has submitted three (3) paper copies and an electronic copy, in a form
338 acceptable to the Town, of the approved as-builts, which shall be certified and approved
339 by the Town Engineer.

340 E. When the infrastructure for the project is required to be inspected by independent
341 contractors acting on behalf of the Town, the applicant shall be responsible for all costs
342 associated with said inspections.

343 F. The applicant has submitted a warranty of the off-site improvements to the Town for one
344 (1) year after final acceptance, which period shall commence upon acceptance of off-site
345 improvements by the Town Engineer.

346 **§ 110-17. Reserved.**

347 **§ 110-18. Reserved.**

348 **Article III. Land Subdivision.**

349 **§ 110-19. Word usage; interpretation.**

350 A. For purposes of this Chapter, words, and terms used herein shall be interpreted as
351 follows:

- 352 (1) Words used in the present tense include the future.
- 353 (2) The singular includes the plural.
- 354 (3) The word "person" includes a corporation, institution, partnership, association, or
355 other legal entity, as well as an individual.
- 356 (4) The "approving authority" shall mean the Zoning Inspector and/or the Planning
357 Commission.
- 358 (5) The word "lot" includes the word "plot" or "parcel."
- 359 (6) The word "Commission" and the words "Planning Commission" mean and refer
360 to the St. Michaels Planning Commission.
- 361 (7) The word "county" shall mean Talbot County.
- 362 (8) The words "Town" and "St. Michaels" shall always mean the Town of St.
363 Michaels.
- 364 (9) The term "subdivision" shall mean the division of a lot, tract, parcel, or plot of
365 land into two or more lots, tracts, parcels, or plots of land for the purpose, whether
366 immediate or future, of sale thereof or the improvement thereof. It includes
367 resubdivision and, when appropriate to the context, relates to the process of
368 resubdivision or the land or territory subdivided.
- 369 (10) The term "Commissioners" or "Town Commissioners" shall mean the legislative
370 body of the Town of St. Michaels, known as "The Commissioners of St.
371 Michaels."
- 372 (11) The term "Town Engineer" shall be either the employee of the Town who is
373 known and designated as the "Town Engineer" or a registered professional
374 engineer who is an independent contractor working for the Town.
- 375 (12) Terms referred to in regulatory provisions specific to the Critical Area Overlay
376 District shall be the same as those specified in Chapter 340 of the Code of the
377 Town of St. Michaels.
- 378 (13) The "Town Code" means and refers to the Code of St. Michaels.
- 379 B. Any word or term not defined herein shall be used with a meaning of standard usage.
- 380 C. The word "shall" is always mandatory and not merely directory.
- 381 D. Terms defined. As used herein, the following terms shall have the meanings indicated:

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

382 ADJACENT PROPERTY OWNER - Those properties which directly abut the subject property
383 or are within 200 feet of the subject property.

384 ALLEY - A minor road or way used primarily for vehicular access to the back or the side of lots
385 otherwise abutting a street.

386 APPLICANT - Any person who proposes to subdivide land and is required to make submittals
387 and obtain approvals under this Chapter.

388 BUILDING SETBACK LINE (BSL or BRL) The minimum distance between any building or
389 structure or portion thereof to be erected or altered and an adjacent right-of-way, street, or
390 property line within which no building may be constructed. The building setback line shall be
391 measured from the boundary line of any future right- of-way located at the front of a lot.

392 EASEMENT - A grant by a lot owner of the use of a portion or all of the lot for a specific
393 purpose or use, without including title to the lot.

394 FUTURE RIGHT-OF-WAY - A right-of-way easement or dedication required for the expansion
395 or extension of existing or future streets, roads, alleys, public facilities, water and sewer lines,
396 and services, and other public utilities and/or to allow access to the workforce and equipment
397 necessary to maintain the same.

398 IMPROVEMENTS - Those physical additions, installations, constructions, and changes, such as
399 buildings, structures, streets, curbs, sidewalks, water mains, sewers, stormwater management
400 facilities and features, public utilities, and the other appropriate items and facilities required to
401 render land suitable for the use proposed.

402 LOT - A parcel of land used or set aside and available for use as the site of one or more buildings
403 and buildings accessory to that or any other purpose, in one ownership and not divided by a
404 street, not including any land within the limits of a public or private street right-of-way.

405 MAJOR SUBDIVISION - Any subdivision of land that is not a minor subdivision.

406 MINOR SUBDIVISION - The division of a single lot, tract, or parcel of land into four or fewer
407 lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of
408 ownership or of building development, provided that the proposed lots, tracts, or parcels of land
409 thereby created have frontage on an improved public street or streets, and provided further that
410 there is not created by the subdivision any new street or streets.

411 RIGHT-OF-WAY - A strip of land occupied or intended to be occupied by a street, alley,
412 crosswalk, public sidewalk, sanitary or storm sewer, drainage ditch, or other public facility or
413 utility. The usage of the term "right-of-way" for land platting purposes in the Town shall mean
414 that every right-of-way hereafter established and shown on a final plat is to be separate and

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

415 distinct from lots or parcels adjoining such right-of-way and not included with the dimensions or
416 areas of such lots or parcels.

417 SKETCH PLAN - Plan submittals made for preliminary review to determine the feasibility of a
418 proposed subdivision.

419 STREET - A public or private way used or intended to be used for passage or travel by
420 automotive vehicles and pedestrians and to provide access to abutting properties.

421 STREET LINE - The right-of-way line of a street.

422 SUBDIVISION

423 A. The division of a single lot, tract, or parcel of land or part thereof into two or more lots,
424 tracts, or parcels of land for the purpose, whether immediate or future, of transfer of
425 ownership or the development of improvements.

426 B. The term "subdivision" includes resubdivision and revisions and shall relate to the
427 process of subdividing or to the land subdivided when appropriate to the context.

428 SUBDIVISION APPLICATION - The submittals required in Chapter * for sketch plan review,
429 preliminary plat review, and/or final plat review.

430 TECHNICAL ADVISORY COMMITTEE (TAC) - A committee consisting of federal, state,
431 Talbot County, and St. Michaels' representatives who may have compliance input into any
432 approvals required or that may be required for a proposed subdivision.

433 **§ 110-20. Jurisdiction and interpretation.**

434 This Chapter shall apply to all land located within the incorporated area of St. Michaels. This
435 Chapter's provisions are the minimum requirements necessary to meet this Chapter's stated
436 purpose and intent. Where the provisions of this Chapter impose greater restrictions than those of
437 any other statute, ordinance, or regulation, the provisions of this Chapter shall prevail if the
438 provisions of such other statute, ordinance, or regulation cannot be harmonized with the
439 requirements of this Chapter. Where the provisions of any other statute, ordinance, or regulation
440 impose greater restrictions than those of this Chapter, the provisions of such statute, ordinance,
441 or regulation shall prevail if such statute, ordinance, or regulation cannot be harmonized with
442 the requirements of this Chapter.

443 **§ 110-21. Transfer of land; issuance of building permits.**

444 A. No land in a subdivision created after the adoption of the Town's subdivision regulations
445 shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

structure thereon, until a final plat of such subdivision shall have been recorded per this Chapter, and the provisions of the State, and until the municipal improvements required in connection with the subdivision have either been constructed or guaranteed as hereinafter provided.

- B. No building depending upon public water and sewerage facilities shall be permitted to be occupied before such facilities are fully provided and operational.

§ 110-22. Procedures for Subdivision of Land.

- A. Major and minor subdivisions.

(1) There are three (3) types of subdivisions: revision plats, minor subdivisions, and major subdivisions. (See Definitions, Article 11.)

(2) There are at least three (3) stages of approval for major and minor subdivisions:

- (a) Sketch plan review;
- (b) Preliminary plat approval; and
- (c) Final plat approval.

- B. Purpose.

(1) A sketch or concept plan is a preliminary plan, the purpose of which is to indicate the intent and scope of a proposed subdivision. One objective of the sketch plan process is to familiarize the applicant with the Town's planning goals and applicable local, state, and federal requirements, affecting the subdivision. Approval of a sketch plan does not imply approval of the subdivision. It is intended to enable the applicant to determine the proposed plan of development's general feasibility before incurring extensive costs for detailed surveying and engineering work.

(2) The preliminary plat presents the detailed layout and design for a proposed subdivision. The plat enables the Town to determine whether the proposed subdivision complies with this Chapter's requirements and the other requirements applicable to the subdivision development.

(3) A final plat establishes the exact boundaries and dimensions of lots, road rights-of-way, easements, and other land designations within a subdivision. The final plat also provides documentation ensuring that a subdivision complies with applicable local, state, and federal requirements. The final plat becomes the

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

477 official record of the land division and is to be recorded in the Land Records of
478 Talbot County.

479 **§ 110-23. Approval authority.**

480 A. The Planning Commission, and for some minor revisions, the Zoning Inspector is the
481 subdivision approval authority.

482 B. The Planning Commission may also grant final plat approval if a preliminary plat is in
483 substantial conformance with all applicable requirements.

484 **§ 110-24. Conformance to applicable rules and regulations.**

485 In addition to the requirements established in this Chapter, subdivision plats and improvement
486 plans shall comply with all applicable local, state, and federal laws, statutes, ordinances, and
487 regulations.

488 **§ 110-25. Revision plats.**

489 A. Purpose. Revision plats may be used to accomplish the following, provided that no
490 additional lots or additional non-residential square footage are created:

491 (1) Revisions to a recorded subdivision plat, including but not limited to revisions to
492 modify or abandon a lot line or relocate an easement area.

493 (2) Recordation of a plat to alter or eliminate boundaries between parcels that were
494 legally created by deed.

495 (3) Recordation of a plat for an existing parcel that was legally created by deed.

496 B. Determination of major and minor revision plats. The Zoning Inspector shall determine
497 whether a proposed revision plat is major or minor based on the following guidelines.

498 (1) Major revisions may include, but are not limited to:

499 (a) Relocation or modification of a public or private road right-of-way;

500 (b) Adjustment of acreage for common space, open space, reserved lands, or
501 land subject to a conservation easement;

502 (c) Relocation within a parcel of common space, open space, reserved lands,
503 or land subject to a conservation easement; or

- 504 (d) Revision or abandonment of lot lines, which significantly affect the layout
505 of the subdivision.
- 506 (e) The addition of dwelling units or nonresidential square footage.
- 507 (2) Minor revisions may include, but are not limited to:
- 508 (a) Correction of a minor plat or surveying errors;
- 509 (b) Minor changes to plat notations;
- 510 (c) Revision or abandonment of lot lines that do not significantly affect the
511 layout of the subdivision;
- 512 (d) Recordation of a plat for an existing parcel created by deed provided that
513 the plat does not alter the property lines; or
- 514 (e) Recordation of a plat to establish a parcel as a buildable lot.
- 515 C. Nonconforming situations. A revision plat shall not create a nonconforming situation or
516 worsen an existing, legal nonconforming situation. Revision plats shall comply with
517 standards established in Chapter 340.
- 518 D. Submittal requirements. The application for a revision plat and the revision plat shall
519 include all information outlined in Appendix B.
- 520 **§ 110-26. Sketch plan.**
- 521 A. A sketch plan may be submitted at the applicant's discretion or the Zoning Inspector's
522 request if either party believes that a discussion of the proposed subdivision would be
523 beneficial.
- 524 B. The sketch plan may be discussed at a pre-submittal meeting. The Zoning Inspector will
525 schedule the pre-submittal meeting and may include the Town Engineer and members of
526 the TAC in addition to the applicant and the applicant's representatives. The purpose of
527 the meeting is to discuss the nature of the proposed application, the particular site's
528 characteristics, and the information required to be submitted with the subdivision
529 application.
- 530 C. At a minimum, the sketch plan shall include the information outlined in Appendix B.
- 531 D. Multiple subdivision layouts. A sketch plan may propose up to three (3) potential
532 subdivision layouts. If multiple layouts are proposed, the review authority shall provide
533 written comments indicating the preferred layout.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

534 E. For a major subdivision, the sketch plan shall be presented to the Planning Commission.

535 F. The Planning Commission and Zoning Inspector may provide comments on the sketch
536 plan based upon this Chapter and the Comprehensive Plan's purposes and policies.
537 Comments on a sketch plan shall be advisory. The comments should not be construed as
538 implying that a sketch plan based upon the comments will comply with this Chapter's
539 specific requirements or other requirements applicable to the subdivision.

540 **§ 110-27. Submittal of applications.**

541 A. Applications for subdivision review shall be filed on the prescribed forms and submitted
542 to the Zoning Inspector. At a minimum, subdivision applications shall include the
543 information listed in Appendix B.

544 (1) The Zoning Inspector or Planning Commission may require additional
545 information that appears necessary for a complete assessment of the proposed
546 development.

547 (2) At the applicant's written request, the Zoning Inspector may, at his or her
548 discretion, waive any information or preliminary information requirements that he
549 or she determines are not relevant to the proposed subdivision.

550 B. Applications for subdivision approval, including sketch plans, preliminary plats, and final
551 plats, will be reviewed for completeness per this Chapter and all required documents and
552 agreements. Incomplete applications will be returned with a listing of deficiencies.

553 C. Standards. Subdivisions shall comply with the subdivision design and development
554 standards of this Chapter and all other applicable development requirements, including
555 requirements outlined in Chapter 281, Stormwater Management, and Chapter 340,
556 Zoning.

557 **§ 110-28. Technical Advisory Committee (TAC) review.**

558 A. The Technical Advisory Committee (TAC) shall review all subdivision applications to
559 provide coordinated input to an applicant.

560 B. The TAC review procedures are outlined in Appendix C.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

561 **§ 110-29. Preliminary subdivision plats.**

- 562 A. Preliminary plats shall be reviewed at a TAC Preliminary Review Meeting (PRM) unless,
563 for a minor subdivision, the Zoning Inspector authorized the applicant to proceed directly
564 to the final plat Compliance Review Meeting (CRM) stage.
- 565 B. Within ten (10) days following the TAC meeting, the Zoning Inspector shall transmit to
566 the applicant the comments of the reviewing agencies. For a minor subdivision, the
567 Zoning Inspector shall issue either a notice to proceed, which may have conditions if
568 necessary, or appropriate or notice of noncompliance. For a major subdivision, the
569 Zoning Inspector either shall schedule a Planning Commission review or issue a notice of
570 noncompliance. If the preliminary plat is scheduled for Planning Commission review, the
571 Zoning Inspector shall discharge the notification requirements outlined in Appendix C.
- 572 C. If the Zoning Inspector issues a notice of noncompliance:
- 573 (1) The applicant may submit an amended preliminary plat within nine (9) months
574 from the date of the notice.
- 575 (2) Upon delivering amended plat submittals, the preliminary plat's review process
576 shall be repeated.
- 577 D. Approval of minor subdivision plat by the Zoning Inspector. If the plat is in significant
578 compliance with this Chapter, the Zoning Inspector may authorize the final plat
579 submittals to proceed directly to the CRM in the notice to proceed.
- 580 E. Decision by the Planning Commission for preliminary subdivision plats. The Planning
581 Commission may approve, approve subject to conditions, or disapprove a preliminary
582 plat. If the Planning Commission does not approve the preliminary plat:
- 583 (1) The Zoning Inspector shall issue a written notice of noncompliance to the
584 applicant, giving why the Planning Commission did not approve the preliminary
585 plat submittals.
- 586 (2) The applicant may provide amended preliminary plat submittals addressing the
587 deficiencies within twelve (12) months of the notice of noncompliance.
- 588 (3) The amended plat shall complete the steps required for the preliminary plat
589 submittal.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

590 **§ 110-30. Final subdivision plats.**

- 591 A. Final plats shall be reviewed at a PRM unless the Zoning Inspector authorizes the final
592 plat to go directly to the CRM stage.
- 593 B. Within ten (10) days following the PRM, the Zoning Inspector shall transmit the
594 reviewing agencies' comments to the applicant. The transmittal will include either a
595 notice to proceed or a notice of noncompliance.
- 596 C. If the Zoning Inspector issues a notice of noncompliance:
- 597 (1) The applicant may submit an amended final plat within nine (9) months from the
598 date of the notice.
- 599 (2) The amended plat submittals shall repeat the review process of the final plat
600 submittals.
- 601 D. Decision by Zoning Inspector for minor subdivision final plats. Upon issuance by the
602 Zoning Inspector of a notice to proceed for minor subdivision final plat submittals, the
603 Zoning Inspector shall schedule the plat for review at the next available CRM.
- 604 E. Decision by the Planning Commission for major subdivision final plats.
- 605 (1) Planning Commission approval is required of final plat submittals for a major
606 subdivision.
- 607 (2) Upon issuing a notice to proceed following the PRM, the Zoning Inspector shall
608 schedule the final plat for the next available Planning Commission meeting.
- 609 (3) If the Planning Commission approves the final plat or approves it subject to
610 conditions, the Zoning Inspector shall schedule a meeting to review the final plat
611 submittals at the next available PRM. The Zoning Inspector shall determine
612 whether a PRM or a CRM is appropriate based on the extent of the required
613 amendments to the plat.
- 614 (4) If the Planning Commission does not approve the final plat:
- 615 (a) The Zoning Inspector shall issue a written notice of noncompliance to the
616 applicant, giving why the Planning Commission did not approve the final
617 plat submittals and noting sections of the Town Code that are not in
618 compliance.
- 619 (b) The applicant may provide amended final plat submittals addressing the
620 deficiencies within twelve (12) months of the notice of noncompliance.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

621 (c) The amended plat shall complete the steps required for the final plat
622 submittal.

623 F. Final plat CRM stage.

624 (1) Staff at the CRM shall review the plat to ensure that it is complete, correct, and
625 addresses all comments and conditions.

626 (2) If necessary, Zoning Inspector shall provide written notice to the applicant of
627 corrections required by the TAC agencies.

628 (3) Upon concurrence of the TAC agencies reviewing the plat at the CRM, the
629 Zoning Inspector shall proceed to the signature stage as specified below.

630 G. Signatures and recording.

631 (1) Following the final CRM, if the final plat is correct and complete, the Zoning
632 Inspector shall notify the applicant in writing that the final plat may be submitted
633 for signature.

634 (2) No amendments or modifications shall be made to an approved final plat without
635 the written authorization of the Zoning Inspector.

636 (3) The applicant shall submit the required copies of the final plat for signature
637 approval.

638 (4) The Zoning Inspector shall facilitate obtaining the signatures of agency
639 representatives on the final plat.

640 (5) Before signature by the Planning Commission's Chairman, the applicant shall
641 provide the recording reference for covenants, easements, and other recorded
642 agreements. Also, the applicant must have paid all required fees.

643 (6) The Zoning Inspector shall return copies of the signed final plat to the applicant
644 for recordation.

645 (7) The applicant shall record in the Land Records of Talbot County the approved
646 final plat and shall return a copy of the recordation receipt to the Zoning Inspector
647 within seven (7) business days of the final plat signing.

648 **§ 110-31. Modifications to approved subdivision plats.**

649 A. At any stage in the subdivision plat review process, the Zoning Inspector shall require
650 that a subdivision plat repeat the previous stage of review if:

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

- 651 (1) Modifications to the plan include changes beyond those required as conditions of
652 approval by reviewing agencies or the Planning Commission; and
- 653 (2) The Zoning Inspector determines the modifications to be significant enough to
654 require additional review by reviewing agencies or the Planning Commission.

655 **§ 110-32. Expiration of approval for subdivision plats.**

- 656 A. Approval of a preliminary subdivision plat by the Planning Commission shall be valid for
657 twelve (12) months from which a notice to proceed is issued.
- 658 (1) The applicant may request an extension of time for approval. The request shall be
659 submitted to the Zoning Inspector, in writing, before the expiration of the twelve-
660 month period for which the approval is valid.
- 661 (2) The Zoning Inspector may grant a single, twelve-month extension of approval.
662 Before granting an extension, the Zoning Inspector may seek the Planning
663 Commission's recommendation or the appropriate TAC members.
- 664 (3) If an approval expires, any person seeking subdivision plat approval shall have to
665 start the approval process again from the beginning.
- 666 B. Final subdivision plat approval remains valid indefinitely as long as the approved
667 subdivision plats are recorded in the Land Records of Talbot County within one (1) year
668 after final approval by the Planning Commission.

669 **§ 110-33. Maintenance and completion of public and private improvements.**

670 Before the Planning Commission approves a final plat, required public or private improvements
671 shall be completed or guaranteed through one or more of the following methods:

- 672 A. Completion of required improvements by the developer per approved plans, with plan
673 review, inspections, and approval by the Town Engineer; or
- 674 B. Execution of public works agreement(s) satisfactory to the Town Attorney that obligate
675 the applicant/the property owner(s) to complete all required improvements; or
- 676 C. For improvements not covered by a public works agreement, a developer agreement
677 satisfactory to the Town Attorney wherein the applicant shall agree to construct, at the
678 applicant's expense, the required improvements, including installation of plantings, as
679 shown on the final plat and approved plans, drawings, and subdivision application
680 submittals.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

681 **§ 110-34. Common space; private improvements.**

682 A. Ownership of common space or subdivision improvements. The ownership of land
683 dedicated to common space or subdivision improvements may be proposed by the owner
684 or developer, subject to the Planning Commission's approval. Ownership may include,
685 but is not necessarily limited to, the following:

686 (1) The Town, subject to acceptance by the Commissioners of St. Michaels;

687 (2) Other public jurisdictions or agencies, subject to their acceptance;

688 (3) Quasi-public organizations, subject to their acceptance;

689 (4) Any incorporated property owners' association approved by the State Department
690 of Assessments and Taxation; or

691 (5) Shared, undivided interest by all property owners in the subdivision.

692 B. Concurrent with the recording of the final plat, the applicant shall convey common space
693 lots to the Town, a property owners' association, or other entity approved to own the
694 common space, as defined in covenants approved and recorded in the Land Records of
695 Talbot County per this Chapter.

696 C. Property owners' or homeowners' association. If the common space, stormwater
697 management facilities, or subdivision improvements are owned by property owners',
698 homeowners' or condominium association:

699 (1) Proposed covenants and restrictions that will govern the association shall be
700 submitted with the preliminary plat submittals for review and approval by the
701 Town Attorney.

702 (2) The provisions may include but are not necessarily limited to the following:

703 (a) The property owners' association must be established before any lots or
704 homes are sold;

705 (b) Membership in the association must be mandatory for each lot owner,
706 home buyer, lot user, and any succession in interest or assignee of the
707 preceding;

708 (c) Common open space restrictions must be permanent, not just for years;

709 (d) The association must be responsible for liability insurance, taxes, and the
710 maintenance of open space, stormwater management facilities, and/or
711 subdivision improvements;

- 712 (e) Property owners must pay their pro-rata share of the costs to fulfill
713 association responsibilities, and the assessment levied by the association
714 must become a lien on the individual lot owner's property as allowed in
715 the master deed establishing the property owners' association; and
- 716 (f) The association must be able to adjust the assessment to meet changing
717 needs. If the association does not raise funds necessary to maintain such
718 open space, stormwater management facilities, and/or subdivision
719 improvements; the Town must be authorized to make a per lot pro-rata
720 assessment against the owner of each lot in the subdivision to reimburse
721 the Town for expenditures made to maintain such open space, stormwater
722 management facilities and/or subdivision improvements and such
723 assessment, if unpaid, must become a lien against the lot of the landowner
724 who fails to pay. Such lien shall entitle the Town to obtain satisfaction
725 through the tax sale of the lot of a nonpaying lot owner.
- 726 (3) The date of acceptance and approval of the articles of incorporation of the
727 property owners' association by the State Department of Assessments and
728 Taxation shall be noted on the final plat.
- 729 D. Maintenance of common space and improvements. The person or entity identified as
730 having the right of ownership or control over common space or subdivision
731 improvements shall be responsible for continuing upkeep and proper maintenance
732 following Town, state, and federal regulations.
- 733 E. Maintenance of private alley and right-of-way improvements. The ownership and
734 maintenance of private alleys and rights-of-way shall be identified on final plats.
735 Maintenance agreements shall be recorded with all final plats that establish or extend a
736 private road.
- 737 **§ 110-35. Subdivision straddling jurisdictional boundaries.**
- 738 If access to a subdivision is across the land in another jurisdiction, the Planning Commission
739 may:
- 740 A. request assurance from the other jurisdiction that access is legally established, and
741 B. the access road is adequately improved, or that a guarantee and security have been duly
742 executed and sufficient to assure the construction of the access road.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

743 **§ 110-36. Subdivision name.**

744 The subdivision's proposed name shall not duplicate, or too closely approximate phonetically,
745 the name of any other subdivision in the Town or within proximity of the Town.

746 **§ 110-37. Violations and penalties.**

747 A. Violation is a municipal infraction. In addition to any other remedies provided by law,
748 any violation of this Chapter is declared to be a municipal infraction. Each day that a
749 violation exists after the Town provides notice of the violation shall constitute a separate
750 offense. Each provision of this Chapter violated shall constitute a separate offense.

751 B. Notice of a violation. The Zoning Inspector shall provide notice of violation to a person
752 violating this Chapter. Notice shall be sent to an applicant at the address of record of the
753 applicant. Notice shall be sent to other persons at any address of such a person known to
754 the Zoning Inspector or reasonably discovered through publicly available media,
755 including electronic media. Where the applicant or another person has not provided an
756 address of record, notice may be posted on the property in question.

757 C. Penalties. The Zoning Inspector shall determine whether one or more of the following
758 penalties are appropriate and may assess such penalty(ies) as the Zoning Inspector deems
759 appropriate:

760 (1) Stop-work orders. The Zoning Inspector may issue a stop-work order until
761 specified corrective action has been undertaken. The applicant or the person to
762 whom such an order is issued must discontinue all work other than the work
763 necessary to address the deficiencies noted in the stop-work order. The Town,
764 including the Zoning Inspector, the Planning Commission, and the Town
765 Engineer, may discontinue all work or review of anything of the applicant or the
766 violation pending before the Town until such violation has been addressed and
767 resolved.

768 (2) Civil monetary penalty. The Town may assess a civil penalty of up to \$500 per
769 violation per day.

770 (3) The Town may withhold issuance of, suspend or revoke any permit or use and
771 occupancy certificate issued by the Town to the violator/applicant.

772 (4) The Town may pursue legal or equitable relief in any court of competent
773 jurisdiction, and such court shall be authorized to issue appropriate orders,
774 monetary relief, and nonmonetary relief.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

(5) The Town may proceed against any bond issued according to this Chapter to secure the applicant's performance.

D. See § 340-120 for other remedies and penalties applicable violations of this Chapter on properties in the Critical Area.

§ 110-38. Appeals.

Any person with standing to do so may appeal a decision or determination of the Planning Commission or the Zoning Inspector, according to the procedures set forth below:

A. By applicant. The applicant may appeal a decision of the Zoning Inspector or the Planning Commission to deny approval and issuance of a notice to proceed of a preliminary plat or a final plat to the Board of Zoning Appeals as outlined in Chapter 340 of the Code of St. Michaels. The time provided to the applicant to submit an amended plan or plat shall toll during the pendency of an appeal.

B. An interested person, i.e., an adjoining or adjacent property owner or a person who will be impacted by a subdivision in some way other than a member of the general public, may petition the Circuit Court of Talbot County to judicially review a decision approving a final plat for submittal to a CRM. Such an appeal shall toll all timelines during the pendency of such appeal.

C. An interested person, i.e., an adjoining or adjacent property owner or a person who will be impacted by a subdivision in some way other than a member of the public, may participate as a party in any appeal noted by the applicant.

D. The Zoning Inspector may participate as a party in any appeal.

Article IV Subdivision Design Standards.

§ 110-39. Applicability.

The standards and requirements outlined herein shall be considered minimum standards and requirements for promoting public health, safety, morals, and general welfare.

§ 110-40. Modification of requirements.

A. The Planning Commission may modify or waive the requirements of one (1) or more provisions of Articles IV and V if the literal enforcement will create an undue hardship because of peculiar conditions on the land in question, provided that such waiver or modification will not be contrary to the public interest and that the purpose and intent of

this Chapter are observed. The Planning Commission may not modify or waive any requirement that does not emanate from a design standard created in this Chapter, including but not limited to requirements under Chapter 281, Stormwater Management, or Chapter 340, Zoning.

B. All requests for a modification or waiver shall be in writing and shall accompany and be a part of the development application. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of Articles IV and V involved, and the minimum modification necessary.

C. The Planning Commission shall keep a written record of all action on all requests for waivers or modifications.

D. In granting any waiver or modification from the terms of these regulations, the Planning Commission may prescribe such conditions and safeguards as it shall deem necessary to fulfill these regulations' purpose and intent.

§ 110-41. General requirements.

A. Land being subdivided shall be taken up in lots, streets, public lands, or other proposed uses so that no areas are landlocked and accessible only by crossing the privately owned land of another person.

B. Where trees, groves, waterways, scenic points, historic spots, or other Town assets and landmarks are located within a proposed subdivision, such features shall be preserved to the greatest extent practicable. The subdivision shall not adversely impact riparian rights.

C. Land subject to flooding or deemed to be topographically below sea level shall not be subdivided or developed for residential occupancy or such other uses as may endanger health, life, or property, or aggravate erosion or flood hazards until all such hazards have been eliminated and unless the final plats provide adequate safeguards against such hazards. Such land within a subdivision shall be set aside on the plat for uses that will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.

§ 110-42. Streets in general.

A. The arrangement, character, extent, grade, and location of all streets shall be acceptable to the Planning Commission. The Planning Commission shall consider their relation to existing and planned streets, topographical conditions, public convenience and safety, and their proper relation to the proposed uses to be served by such streets.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

- 837 B. Proposed streets shall further conform to state plans for streets and highways.
- 838 C. Where appropriate, proposed streets shall be continuous and in alignment with existing,
839 planned, or platted streets with which they are to connect.
- 840 D. Residential streets shall be so laid out so that through traffic will be discouraged.
- 841 E. Streets that are extensions of or obviously in alignment with existing streets shall bear the
842 names of existing streets.
- 843 F. If a portion of a tract is not subdivided, suitable access to street openings for the entire
844 tract's eventual subdivision shall be provided.
- 845 G. Where stub streets are provided abutting unsubdivided acreage, temporary easements for
846 turnarounds shall be provided at the boundary line.
- 847 H. Private streets are prohibited except in the Agriculture (A) Zone.

848 **§ 110-43. Street standards.**

- 849 A. Where a subdivision abuts or contains an existing street of inadequate right-of-way
850 width, a right-of-way width required by the Commissioners shall be indicated on the plat
851 and offered for dedication.
- 852 B. Minimum right-of-way, horizontal alignment, vertical alignment, sight distance, curbs,
853 curb radii, offsets, and street grades shall be per the requirements of Article V and others
854 specified by the Commissioners.

855 **§ 110-44. Street intersections.**

- 856 A. Without express permission by the Commissioners or the Planning Commission, no more
857 than two streets shall intersect at an intersection.
- 858 B. Streets shall be laid out to intersect as nearly as possible at right angles, and no street
859 shall intersect another street at an angle of less than 60°.

860 **§ 110-45. Street signs.**

- 861 All street signs shall be provided by the applicant at the applicant's expense and shall be
862 constructed according to the Commissioners' designs.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

863 **§ 110-46. Sidewalks.**

- 864 A. All sidewalks must be provided and constructed under accepted design standards as
865 approved by the Town Commissioners.
- 866 B. The Planning Commission may, in its judgment, considering the specific subdivision
867 plan, the pedestrian routes and destinations intended to be encouraged, and the character
868 of the neighborhood, determine the extent and location of the sidewalks.

869 **§ 110-47. Blocks.**

- 870 A. Whenever practicable, blocks shall be of such width as to provide two tiers of lots.
- 871 B. Pedestrian crosswalks shall be required where deemed essential to provide circulation or
872 access to schools, parks, and other community facilities.

873 **§ 110-48. Lots.**

- 874 A. All lots shall abut on a street.
- 875 B. In general, side lot lines shall be at right angles or radial to the street line.
- 876 C. Lots excessively deep to width or excessively irregular in shape are to be avoided. A lot
877 size with a depth 2 1/2 times the width shall generally be considered the maximum
878 desirable depth to width ratio.

879 **§ 110-49. Pipestem lots.**

880 Pipestem or flag lots may be permitted in residential districts, subject to the following
881 requirements:

- 882 A. The minimum lot area shall not include the area of the pipestem.
- 883 B. The pipestem area of the lot shall be at least twenty-five (25) feet wide.
- 884 C. Pipestem lots shall not be stacked more than two deep, the lot with frontage on the road
885 and a lot behind the lot with frontage.
- 886 D. Adjacent lots where one lot is bordered by the pipestem servicing the other lot shall share
887 a single driveway entrance. Access and maintenance easements for the shared access (and
888 any shared portion of the driveway) shall be recorded and referenced on the final plat.
- 889 E. Orientation and setbacks.

(1) For the lot not on the public road, the front setback shall be applied as if the rear boundary line of the lot fronting the road is the front boundary line of the pipestem lot. If a house constructed on the pipestem lot faces the pipestem driveway, such that the side of the dwelling on the lot with no road frontage faces the rear of the dwelling with road frontage calculated, the front setback shall apply to both the boundary line where the pipestem driveway runs and the boundary line between the rear lot and the lot with road frontage.

(2) For subdivisions with more than one pipestem lot, the lot layout shall pair pipestem lots whenever possible so that four lots share driveway access.

F. New subdivisions and/or development activities whose development or dwelling units are located outside of the Critical Area shall not include a flag or pipestem connection through the Critical Area to create riparian access.

§ 110-50. Public sanitary sewers, water supply, and utilities.

A. All public sanitary sewerage and public water supply systems shall be provided and constructed following accepted design standards as approved by the Commissioners, the Town Engineer, and the Talbot County Department of Public Works.

B. All plats shall depict the easements and rights-of-way required to accommodate public sanitary sewerage, public water supply, and other public utilities, including but not limited to electric lines, telephone, and other wired/cabled utilities. To the greatest extent practicable, such easements and rights-of-way shall parallel alleys, streets, and roads and be located such that the disturbance to public roads and private property necessary for maintenance or repair is minimized.

C. The Town Engineer shall determine the appropriate width of required easements and rights-of-way, considering the area necessary to maneuver the equipment necessary to maintain, repair, and replace such facilities and utilities.

§ 110-51. Drainage easements.

A. Lots generally shall be laid out to provide drainage away from buildings. Individual lot drainage shall be coordinated with the stormwater management practices and facilities required under Chapter 281 and in light of pre-subdivision existing surface runoff patterns to avoid increased drainage/runoff onto adjacent lots.

B. Drainage easements and stormwater management facility rights-of-way or easements, as deemed necessary by the Town Engineer shall be provided and depicted on the plat(s) with the appropriate notes added to the plat(s). To the extent practicable, easements and

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

923 rights-of-way shall parallel private boundary lines and be located in such manner as to
924 minimize disturbance to common spaces, improvements, and environmentally sensitive
925 areas in the event of required replacement, repair, and maintenance.

926 C. The Town Engineer may also require drainage easements on private property that
927 connects to and impacts drainageways along county roads.

928 D. Drainage easements shall be depicted on the plat(s) with a plat note deemed appropriate
929 by the Town Engineer.

930 **§ 110-52. Standards for development in Critical Area Overlay District.**

931 See Chapter 340, Article IV, the Chesapeake Bay Critical Area Overlay District.

932 **Article V. Required Improvements Subdivisions.**

933 **§ 110-53. Purpose.**

934 A. The purpose of this article is to establish and define the public improvements the
935 applicant shall construct or pay for before or as a final plat approval condition.

936 B. Construction of all required improvements shall be completed following the accepted
937 drawings, the specifications hereinafter set forth and further imposed by law and
938 regulations or under the Planning Commission approval process, and in the manner
939 acceptable to the Planning Commission, the Town Engineer, and other applicable
940 officials.

941 **§ 110-54. Revision of plats.**

942 When changes from the plats, including drawings and specifications submitted during the
943 subdivision review process, become necessary during construction, the Planning Commission's
944 written acceptance with the Town Engineer's advice shall be secured before executing such
945 changes.

946 **§ 110-55. Required improvements; standards, and specifications.**

947 The applicant shall construct the following improvements per the following specification unless
948 alternative standards have been authorized by the Town Engineer, in all subdivisions hereafter
949 created and located in Town:

A. Streets. Except as may be allowed under the provision of § 110-39, streets consisting of subbase, base course, and the surface course shall be constructed in the subdivision according to the following standards and specifications:

(1) Rights-of-way. All rights-of-way shall be fifty (50) feet wide except alley right-of-ways, which shall be a minimum of sixteen (16) feet.

(2) Subbase. The subbase shall be compacted so that it is firm, hard, and unyielding. It shall be compacted to 95% of dry weight density as determined by the American Association of State Highway Officials (AASHO) Designation T-180 Method D, as it exists on the date construction is begun for the section of the street under consideration. After compaction, the subbase shall be true to the lines and grade, as outlined in the plans submitted to the Commission. After the final rolling, the subbase shall be tested with a ten-foot straight edge laid parallel to the street's sides under construction, and any depressions or high spots in the surface exceeding 1/2 inch shall be corrected.

(3) Pavement.

(a) Pavement shall not be placed on any subbase that is wet, soft, yielding, and/or of any unsuitable material. All soft or unstable material, portions of the subbase which will not be properly compact according to the specifications set forth above in Subsection A(2) hereof, or which for any other reason will not serve the purpose intended, shall be removed and replaced with suitable subbase material.

(b) Pavement shall be constructed according to the following materials, specifications, and standards:

[1] Pavement widths:

[a] Minor collector: A minor collector street has no residential property fronting and is not designed to accommodate parked vehicles. A minor collector street shall consist of a subbase not less than twenty-eight (28) feet wide and finished pavement not less than twenty-four (24) feet wide.

[b] Local street: A local street has residential property fronting and is designed to accommodate parked vehicles. A local street shall consist of a subbase not less than twenty-four (24) feet wide and pavement not less than twenty-eight (28) feet wide.

- 984 [c] Alley: Alleys shall consist of a subbase of sixteen (16) feet
985 and pavement not less than fifteen (15) feet.
- 986 [2] Subbase: The subbase shall be crusher run (CR-6), not less than six
987 (6) inches in thickness, uniform throughout. Subbase materials
988 shall be Maryland State Roads Commission Specification (1968)
989 20.02 or equal.
- 990 [3] Base course: The base course shall be of bituminous concrete BI
991 mix throughout, at least two (2) inches thick, uniform.
- 992 [4] Surface course: The surface course shall be of bituminous concrete
993 SN mix throughout, or at least 1 1/2 inches thick.
- 994 (4) Cul de sacs. Cul de sacs shall be no longer than five hundred (500) feet.
- 995 B. Curb and gutter. All streets shall have a combination curb and gutter along each side
996 unless exempted by the Planning Commission.
- 997 (1) Curb and gutter shall be constructed according to the following standards and
998 specifications:
- 999 (a) All curbs and gutters shall be poured with 3,500 psi concrete.
- 1000 (b) All curbs and gutters shall be Type B (Maryland State Roads Commission
1001 Standard No. 620.02) constructed by the method known as "monolithic
1002 pour." Curb shall be six (6) inches in width and six (6) inches in height;
1003 gutters shall be eighteen (18) inches in width and ten (10) inches in depth
1004 on a six-inch compacted gravel base.
- 1005 (2) If deemed appropriate to the context, the Planning Commission may require curb
1006 and gutter constructed according to the following specifications:
- 1007 (a) Granite curbstone shall be rectangular, with a width of five (5) inches, a
1008 depth of sixteen (16) inches, with a nominal length of six (6) feet. No
1009 curbstone shall be less than four (4) feet or greater than eight (8) feet.
1010 When the blocks are placed, the maximum gap between the blocks should
1011 be 1/8th of an inch. Compact base for new curb 98% (ASTM D698),
- 1012 (b) After the granite curb is set to line and grade, the widened area shall be
1013 infilled with 3,000 psi concrete. The concrete shall be placed to a depth of
1014 1 1/2 inch below the final pavement grade or finished gutter grade.
- 1015 (c) At each joint, 3,000 psi concrete shall be placed. The concrete shall be
1016 placed approximately ten (10) inches deep, three (3) inches on either side

1017 of the joint, and a thickness of six (6) inches. Concrete shall not be placed
1018 within four (4) inches of the top of the granite curb.

1019 C. Sidewalks. Sidewalks shall be constructed according to the following standards and
1020 specifications unless the Planning Commission requires brick sidewalks:

1021 (1) Concrete sidewalks:

1022 (a) Sidewalks are required on both sides of all streets in all subdivisions
1023 unless exempted by the Planning Commission. Sidewalks shall be poured
1024 with 3,500 psi concrete at least four (4) inches thick, over a gravel base at
1025 least three (3) inches thick, and at least four (4) feet in width. Sidewalks
1026 shall be scribed in four-foot squares, with expansion joints no more than
1027 sixteen (16) feet apart coinciding with the four-foot markings in the
1028 sidewalk. Expansion joints shall be set 1/4 inch below the sidewalk's
1029 surface and are to be of one-half-inch-thick preformed bituminous
1030 material. Bituminous joints shall be located along the joint between the
1031 sidewalk and anywhere the sidewalk joins steps, paved driveways, curbs,
1032 or buildings. In residential districts where practical, a grass median at least
1033 four (4) feet in width shall be provided between the curb and sidewalk.

1034 (b) Where a driveway entrance crosses over a sidewalk, that portion of the
1035 concrete shall be a minimum of six (6) inches thick reinforced by six-inch
1036 by six-inch wire mesh.

1037 (2) Brick sidewalks.

1038 (a) Brick sidewalks may be permitted in any zoning district. In zone districts
1039 that are not commercial, brick sidewalks shall be constructed in a manner
1040 acceptable to the Planning Commission.

1041 (b) Brick sidewalks shall be required in all subdivisions proposed within a
1042 commercial zone. They shall be constructed of brick acceptable to the
1043 Planning Commission laid on a concrete base of structural equivalent to
1044 concrete sidewalks' specifications.

1045 D. Accessibility. Whenever curb and gutter and/or sidewalk construction is used on public
1046 streets, wheelchair ramps and depressed curbs for the disabled shall be provided at
1047 intersections and other major points of pedestrian flow. Wheelchair ramps and depressed
1048 curbs shall be constructed following published standards in the latest American
1049 Disabilities Act, Access Guidelines, or Uniform Federal Accessibility Standard
1050 (Americans with Disabilities Act) guidelines.

1051 E. Survey monuments.

1052 (1) The applicant, at the applicant's expense, shall have a surveyor establish survey
1053 markers that are solid, free from movement, and constructed to be permanent.
1054 Survey marker materials and installation shall be approved by the Town Engineer,
1055 in compliance with any applicable Maryland regulations, and consistent with
1056 customary surveying practices in Maryland.

1057 (2) Survey markers shall be installed/placed at such corners, angle points, points of
1058 the curve, and intermediate points as may be necessary to define and locate rights-
1059 of-way, subdivision boundaries, lot boundaries, streets, and other areas or
1060 improvements designated by the Planning Commission or the Town Engineer.
1061 Generally, markers/monuments shall be spaced to be within sight of each other,
1062 the sightlines being contained wholly within the right-of-way limits.

1063 (3) The external boundaries of a subdivision shall be monumented in the field by
1064 survey markers placed not more than fourteen hundred (1,400) feet apart in any
1065 straight line, at all corners, at each end of all curves, at the point where a curve
1066 changes radius, at all angle points along the meander line, those points to be not
1067 less than twenty (20) feet back from the bank of any river or stream or edge of a
1068 wetland, except that when such corners or points fall within an existing street, the
1069 survey markers shall be placed in the sideline of the right-of-way.

1070 (4) All internal boundaries points along a proposed street, and those corners and
1071 points not referred to in the preceding subsection shall have survey markers at all
1072 block corners, at each end of all curves, at all points where a watercourse changes
1073 its radius, and at all angle points in any line.

1074 (5) The lines of lots that extend to watercourses shall have survey markers at the
1075 point of intersection of the river or stream lot line, with a meander line established
1076 not less than twenty (20) feet back from the bank of the river or stream or edge of
1077 a wetland.

1078 (6). All survey markers shall be set correctly in the ground and approved by a
1079 registered land or property line surveyor before the Zoning Inspector signs the
1080 final plat.

1081 F. Water mains, connections, and fire hydrants. Water mains, connections, and fire hydrants
1082 shall be constructed in the subdivision according to the following standards and
1083 specifications:

1084 (1) All mains and fittings shall be cast iron or ductile iron, tar-coated, with rubber
1085 slop joint, as manufactured by Griffin-Pike Company, or equivalent. The pipe

1086 may be polyvinylchloride (PVC) SDR-18. All mains, fittings, valves, pipes, fire
1087 hydrants, joints, and appurtenances shall be sized according to plan and approved
1088 by the St. Michaels Town Engineer and the Planning Commission. No main shall
1089 be less than six (6) inches in diameter.

1090 (2) At each building or residence connection, water meters of the Touch Read
1091 (TRPL) type, manufactured by Sensus, 5/8 inch by 3/4 inch in size, unless another
1092 size is required for fire suppression, shall be installed in water meter boxes of the
1093 Crescent No. z type (with brass), manufactured by Ford Meter Box Co., Inc., or
1094 equivalent. PVC taps shall be made with a stainless steel tapping saddle.

1095 (3) A street box and valve shall be placed at each end of each street; all street boxes
1096 to be set in concrete at finished grade. Valves shall be Mueller or equivalent.

1097 (4) To the extent practical, water mains and fittings shall be placed on the side of the
1098 street opposite from sewerage mains, not less than five feet outside of the street
1099 subbase. Cast-iron mains shall be covered with at least 3.5 feet of compacted
1100 bank-run gravel (GP-1). PVC shall be bedded in sand and covered with at least
1101 three feet of sand gravel. A plastic marker tape shall be installed twelve (12)
1102 inches below the finish grade.

1103 (5) Fire hydrants shall be installed and so located throughout the subdivision that no
1104 building or residence shall be more than five hundred (500) feet from the nearest
1105 hydrant. All fire hydrants shall be of a six-inch size, manufactured by Waterous,
1106 Pacer (WB67) or equivalent, with steamer fittings, American Standard threads,
1107 with cutoff valves, and cast-iron valve boxes.

1108 G. Sanitary sewer mains and connections. Sanitary sewer mains, pipes, pumps, connections,
1109 manholes, laterals, and appurtenances shall be constructed in the subdivision according to
1110 the Talbot County Public Works Department's standards and requirements, as
1111 promulgated and amended from time to time.

1112 H. Storm sewers. To the extent that storm sewers are provided as part of the approved
1113 stormwater management features and facilities, such storm sewers shall be constructed
1114 in the subdivision according to the following procedures, standards, and specifications:

1115 (1) The applicant shall prepare and submit to the Planning Commission and the Town
1116 Engineer a proposed design and calculations for storm sewers in all subdivisions
1117 or developments.

1118 (2) The necessity of location, type, materials, and sufficiency of all storm sewers are
1119 subject to the Planning Commission's approval upon consultation with the Town
1120 Engineer.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

- 1121 (3) Storm sewers shall have the diameter approved by the Town Engineer.
- 1122 (4) Manholes for storm sewers shall be installed as required by the Town Engineer
1123 and the Planning Commission.
- 1124 I. Streetlighting and street name signs. Streetlighting and street name signs shall be
1125 constructed in the subdivision according to the following standards and specifications:
- 1126 (1) The applicant shall prepare a streetlighting plan, which shall include the location
1127 of lighting, the method of installation, and an estimate by a lighting engineer of
1128 the illumination provided by such a plan, and the cost of power for such
1129 illumination. The plan must be submitted to the Planning Commission for
1130 approval, and the applicant must bear the cost of installation of all street lighting
1131 if any, as required by the Planning Commission.
- 1132 (2) Street name signs shall be installed at the expense of the applicant. The Planning
1133 Commission shall approve names for streets that have been recommended by the
1134 applicant and shall be shown on the final plat.
- 1135 J. Landscape Standards. See § 340-178.
- 1136 **§ 110-56. Submittal of plans by applicant.**
- 1137 A. Before the Town issues any permits, and before any work is undertaken or caused to be
1138 undertaken by the applicant, detailed plans, signed with the seal of a registered
1139 professional engineer, of the proposed streets, sidewalks, curbs, gutters, water, and sewer
1140 lines shall be approved by the Town Engineer.
- 1141 B. Such detailed plans shall show locations of the required improvements and indicate
1142 grades and slopes which have been established by a licensed and qualified surveyor. The
1143 plans shall also contain a statement by the applicant that any such grades and slopes are
1144 adequate to ensure proper drainage.
- 1145 C. The applicant shall further agree to be wholly responsible for the cost of all materials,
1146 labor, and any other expenses incident to the construction of the required improvements
1147 in the subdivision and shall maintain such improvements until they are accepted by and
1148 conveyed to the Commissioners.
- 1149 D. The applicant shall maintain liability insurance in the amount approved by the Town
1150 Clerk/Manager during said work. An endorsement naming the Commissioners of St.
1151 Michaels as insured or covered persons for all work performed by, on behalf of, or for the
1152 applicant's benefit shall be provided to the Town Clerk along with proof of coverage in
1153 the requisite amount. The applicant shall agree to defend and indemnify the

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

1154 Commissioners of St. Michaels from any claims made against the Commissioners of St.
1155 Michaels or its officials, employees, or representatives as the result of any work
1156 performed by, for, or on behalf of the applicant on or around any public roads, ways or
1157 lands owned or maintained by the Commissioners of St. Michaels.

1158 **§ 110-57. Inspection of work.**

1159 A. The Maryland Department of the Environment (MDE) is responsible for inspections
1160 during construction and the enforcement of all conditions made a part of the approved
1161 sediment and erosion control plan, nontidal wetlands permits, and NOI permits
1162 (stormwater discharge) for all state and federal construction projects as well as private
1163 construction projects. Any observed deviations from the approved plans or failure to
1164 control runoff from the site shall result in immediate notification to the owner/developer
1165 and the Compliance Department of MDE. MDE shall be the agency responsible for
1166 establishing those actions necessary to bring the project into compliance with the
1167 approved plans/permits and the placement of sanctions should it be determined to be
1168 necessary. Should MDE not address a situation where water quality is a severe issue
1169 within twenty (24) hours after receiving notification, the Town shall contact their
1170 Consulting Engineer. The Consulting Engineer shall meet on the site with the property
1171 owner/developer or his representative to review the situation and recommend a temporary
1172 solution until MDE determines a final solution. The owner/developer shall be responsible
1173 for all engineering and remediation costs.

1174 B. Upon completion of all phases of construction related to the above-noted permits, MDE's
1175 responsibilities shall cease, and the Town shall become the enforcement body after that.

1176 C. Construction of all other required improvements (water, sewer, streets, curbs, and
1177 stormwater retention and treatment facilities) shall be supervised and inspected, and all
1178 completed improvements tested by or under the supervision of a registered professional
1179 engineer, known as the Inspection Engineer; who shall be selected and employed by the
1180 Town at the expense of the applicant. The applicant shall maintain a retainer with the
1181 Town Clerk/Manager that shall be replenished monthly and shall be sufficient in amount
1182 to cover the reasonably anticipated monthly expenditures for the Inspection Engineer.
1183 The Town Clerk/Manager will provide the applicant with the Inspection Engineer's
1184 monthly invoice, and the parties shall cooperate in resolving billing issues. The Town
1185 Clerk/Manager shall have the final say in the amount owed to the Inspection Engineer
1186 and, thus, in the amount owed to the Town for inspection work. The Zoning Inspector
1187 may issue a stop-work order if and whenever the applicant fails to fulfill its obligation to
1188 pay the Inspection Engineer. The applicant shall pay the full expense of the Town's
1189 Inspection Engineer before final approval and acceptance of the improvements.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

1190 **§ 110-58. Approval and acceptance.**

- 1191 A. Upon completion of construction of the improvements required by this Chapter, and
1192 before acceptance by the Commissioners, the applicant shall deliver to the Town as-built
1193 plans acceptable to the Town Engineer and the Inspection Engineer signed and sealed by
1194 a registered professional engineer.
- 1195 B. The applicant shall warrant all improvements for one (1) year from the time of
1196 acceptance by the Town. The applicant shall obtain a maintenance bond in the amount of
1197 20% of the improvements' cost to cover the one-year warranty. In lieu thereof, the
1198 performance bond may be extended for the warranty period.
- 1199 C. Upon completion of construction per the plans as accepted by the Commission,
1200 inspection, and testing to show construction to the required specifications in the judgment
1201 of the Town's Inspection Engineer, and warranty of maintenance by the applicant, the
1202 Commissioners shall accept the improvements.
- 1203 D. Upon the approval and written acceptance of the improvements by the Town, the streets,
1204 sidewalks, gutters and curbs, water and sewerage lines, hydrants, pumps, couplings,
1205 joints, and all other things connected in addition to that shall become the exclusive
1206 property of the Town. Upon written acceptance thereof, the Town shall, after that,
1207 assume the responsibility of maintenance.

1208 **Article VI. Improvement Guarantees Subdivisions.**

1209 **§ 110-59. Public works agreements.**

1210 Before the Planning Commission approves a final plat of any subdivision (except in the case of
1211 minor subdivisions wherein the Commission imposes no condition or conditions for the plat),
1212 and as a requisite for signature approval of a final plat:

- 1213 A. The owner of the land and the applicant shall enter into a public works agreement with
1214 the Town in the manner and form set forth by the Town Attorney where the
1215 owner/applicant shall agree:
- 1216 (1) To construct or cause to be constructed, at his own expense, and under a surety
1217 bond, all streets, curbs, sidewalks, fire hydrants, street signs, monuments, water
1218 and sewerage facilities, all stormwater management facilities or features other
1219 than stormwater management facilities or features that serve only an individual lot
1220 where such eventual individual lot owner will be required, according to
1221 documents recorded in the Land Records of Talbot County, to establish such
1222 stormwater management facilities or features, and other improvements shown on

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

- 1223 or accompanying said final plat when required to do so by the Planning
1224 Commission following the final plats, as finally approved, and in strict
1225 accordance with the standards and specifications of the Town;
- 1226 (2) To maintain at the applicant's/owner's own cost all streets, curbs, sidewalks, fire
1227 hydrants, street signs, monuments, water and sewerage facilities, all stormwater
1228 management facilities or features other than stormwater management facilities
1229 or features that serve only an individual lot where such eventual individual lot
1230 owner will be required, according to documents recorded in the Land Records of
1231 Talbot County, to establish such stormwater management facilities or features,
1232 and other improvements shown on or accompanying said final plat, until the
1233 Town accepts the same, and upon acceptance thereof, to post a maintenance bond
1234 to the Town for one (1) year;
- 1235 (3) To obtain the easements and releases required when any streets, curbs, sidewalks,
1236 fire hydrants, street signs, monuments, water and sewerage facilities, all
1237 stormwater management facilities or features other than stormwater management
1238 facilities or features that serve only an individual lot where such eventual
1239 individual lot owner will be required, according to documents recorded in the
1240 Land Records of Talbot County, to establish such stormwater management
1241 facilities or features, and other improvements shown on or accompanying said
1242 final plat wherein a subdivision abuts or traverses the land of persons other than
1243 the person holding legal title to the lands of the subdivision, at his own cost, and
1244 to obtain from the owner of the lands so abutted or traversed full releases from all
1245 damages which may change in grade, construction, or otherwise, and such
1246 releases shall inure to the benefit not only of the owner of the subdivision but to
1247 the Town as well; and
- 1248 B. An agreement or covenants and conditions recorded in the Land Records of Talbot
1249 County shall be completed for improvements that are not subject to a public works
1250 agreement. These improvements shall be subject to inspection and acceptance by the
1251 Town Engineer, the Zoning Inspector, and other proper authorities.
- 1252 **§ 110-60. Bonds.**
- 1253 A. Performance bond. In order to assure the Town that all streets, curbs, sidewalks, fire
1254 hydrants, street signs, monuments, water and sewerage facilities, all public stormwater
1255 management facilities or features other than stormwater management facilities or features
1256 that serve only an individual lot where such eventual individual lot owner will be
1257 required, pursuant to documents recorded in the Land Records of Talbot County, to
1258 establish such stormwater management facilities or features, and other improvements

shown on or accompanying said final plat will be constructed and installed in strict accordance with the plats, as finally approved and with the standards, regulations, and specifications of the Town, and will be maintained until accepted by the Town, the owner shall furnish to the Town a letter of credit or a bond in a form acceptable to the Town Attorney with such surety and in such form as the Town Commissioners shall approve, in an amount sufficient to cover 125% of the projected cost of the construction and installation of the aforesaid improvements, except for streets, roads and storm drainage facilities, which shall be in the amounts set forth in Subsection C below, as approved by the Town Engineer, until said improvements shall be accepted by the Town. The improvement guaranty secured by the performance bond shall be conditioned upon:

- (1) The applicant/owner constructing and installing, or causing to be constructed or installed, in strict accordance with the final plat and accompanying submittals, as finally approved, and with the Town standards and specifications, the streets, roads, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water, and sewerage facilities, and other improvements shown on or accompanying said final plat; and
- (2) The applicant/owner maintaining at his own cost said streets, curbs, sidewalks, fire hydrants, street signs, monuments, water and sewerage facilities, all public stormwater management facilities or features, and all stormwater management facilities or features that serve other than an individual lot where such eventual lot owner will be required, according to documents recorded in the Land Records of Talbot County, to establish such stormwater management facility or feature, and other improvements shown on or accompanying said final plat, until the same are accepted by the Town for public use or dedicated/deeded to a homeowners' association or like entity; and
- (3) Acceptance of title to said improvements; and
- (4) The faithful performance by the applicant/owner of the public works agreement is required by § 110-59 of this article.

- B. Maintenance bond: Concurrent with the Town's acceptance of the improvements, the applicant/owner shall provide a maintenance bond with a surety and in such form as the Town Attorney, and the Town Commissioners shall approve, or a letter of credit in such form as the Town Attorney shall approve and, in an amount sufficient to cover 25% of the projected total construction cost as approved by the Town Engineer, except for streets, roads and stormwater management facilities and features (other than stormwater management facilities and features on individual lots that are required under covenants or conditions recorded in the Land Records of Talbot County), which shall be in the

1295 amounts outlined in Subsection C below. The maintenance bond shall be conditioned
1296 upon:

- 1297 (1) The absence of damages or injury caused to the improvements due to latent
1298 defects, defective construction or design, injuries caused by construction
1299 equipment and vehicles, and any other acts or admissions attributable to the
1300 owner or his agents, employees, contractors, or subcontractors; and
- 1301 (2) The faithful performance by the owner of the public works agreement is required
1302 by § 110-59 of this article.

1303 C. Street, road, and storm drainage bonding methods and amounts:

- 1304 (1) For streets, roads, storm drainage facilities, and all improvements appurtenant to
1305 that, the applicant/owner may choose between either bonding method below for
1306 the performance bonds.

1307 (a) Bonding Method A: A cash or corporate bond equal to 25% of the base
1308 construction cost plus 125% of the surface construction cost, as estimated
1309 by the subdivider and approved by the Town Engineer, shall be furnished
1310 by the subdivider, conditioned upon satisfactory completion of all
1311 construction covered by the permit. Upon completion of the base road
1312 construction and all storm drainage construction and appurtenances and
1313 complete slope stabilization and other submittals deemed necessary by the
1314 Town Engineer, building permits will be issued.

1315 (b) Bonding Method B: A cash or corporate bond equal to 110% of the base
1316 construction cost plus 125% of the surface construction cost as estimated
1317 by the subdivider and approved by the Town Engineer, shall be furnished
1318 by the applicant conditioned upon satisfactory completion of all work
1319 covered by the permit. Upon submittal and approval of satisfactory
1320 bonding, public works agreement, and other submittals deemed necessary
1321 by the Town Engineer, building permits will be issued. Use and
1322 occupancy permits shall be released upon completion and acceptance of
1323 the base road construction (including a bituminous concrete base course).

- 1324 (2) For streets, roads, and stormwater management facilities and features (other than
1325 stormwater management facilities and features on individual lots that are required
1326 according to covenants or conditions recorded in the Land Records of Talbot
1327 County), and all improvements appurtenant thereto, the owner (subdivider) shall
1328 post a maintenance bond in an amount equal to 10% of the surface construction
1329 cost, as approved by the Town Engineer.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

1330 D. The Town as sole obligee: Notwithstanding any other provision of these subdivision
1331 regulations, or any requirement that may be imposed by the public works agreement with
1332 the subdivider, the Town shall be the sole and exclusive obligee of the performance and
1333 maintenance bonds, and such bonds shall inure solely to the benefit of the Commissioners
1334 of St. Michaels and no other parties. The requirement that the applicant/owner provide
1335 performance or maintenance bonds is intended to secure the Commissioners of St.
1336 Michaels before and after accepting improvements for public dedication. It does not
1337 create, nor is it intended to create any third party beneficiary rights.

1338 **§ 110-61. Appeals.**

1339 Appeals from the Planning Commission's decisions under this article may be made to the Circuit
1340 Court of Maryland for Talbot County under Maryland law.

For Discussion –
 Introduction –
 Public Hearing -
 Adopted -
 Enacted -

APPENDIX A

BASIC INFORMATION REQUIRED ON SITE PLANS

NOTE: All site plans must be clear and legible. Incomplete site plans will be returned to the applicant for completion and resubmission.

| Item# | DESCRIPTION | Sketch Plan | Major Site Plan | |
|-----------|---|-------------|-----------------|-------|
| | | | Prelim. | Final |
| I. | PROJECT-PLAT INFORMATION | | | |
| 1. | Name, address of the owner, applicant, developer and lienholder, date of application. | X | X | X |
| 2. | Name and address of the engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation. | X | X | X |
| 3. | Date of the survey. | | X | X |
| 4. | Seal, signature, and license number of an engineer, land surveyor, architect, and/or landscape architect, as applicable involved in document preparation. Each sheet must have a surveyor's seal. | | X | X |
| 5. | Title block denoting name and type of application, tax map sheet, block and lots, parcel, and street location. | X | X | X |
| 6. | Location of the tract by an insert map or vicinity map at a scale of no less than one (1) inch equals 600 feet, and such information as the names and numbers of adjoining roads, streams, and bodies of water, subdivisions, or other landmarks sufficient to identify the location of the property. | X | X | X |
| 7. | Existing and proposed zoning of the tract and adjacent property. | X | X | X |
| 8. | Proposed use of the structural addition. | X | | |
| 9. | Title, north arrow, and scale (1"=100'). | | X | X |
| 10. | Appropriate signature block for Town officials. | | X | X |
| 11. | Appropriate certification blocks. | | | X |
| 12. | Standardized sheets 18"x24" (final - black ink on mylar). | | X | X |
| 13. | Metes and bounds survey showing dimensions, bearings, curves, data, length of tangents, radii, arc, chords, central angles for all centerlines and rights-of-way, and centerline curves on streets datum, and benchmarks. | | X | X |
| 14. | The acreage of the tract to the nearest thousandth of an acre. | X | X | X |
| 15. | Date of original and all revisions. | | X | X |
| 16. | Size and location of any existing or proposed structures with all setbacks dimensioned (for sketch plan the general location but not dimensioned setbacks). Include storm drains, culverts, retaining walls, fences, stormwater management facilities, sediment, and erosion structures. | X | X | X |
| 17. | Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways, right of way, widths. (for concept plans, general locations). | X | X | X |
| 18. | Location and type of utilities. | | X | |

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

| Item# | DESCRIPTION | Sketch Plan | Major Site Plan | |
|-------------|--|-------------|-----------------|-------|
| | | | Prelim. | Final |
| 19. | General location, character, size, height, and orientation of proposed signs. | | X | |
| 20. | Location, type, size, the height of fences, walls, screen planting, landscaping, and buffer areas. | | X | |
| 21. | Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use. Location, dimensions of proposed reservations, right of ways, open space, buffers, forested areas, and how these areas will be permanently maintained. | | X | X |
| 22. | Statement of owner dedicating streets, right-of-way, and any sites for public use. | | | X |
| 23. | Development stages or phasing plans (for concept plans, general phasing). Sections numbered by phase. | | | |
| 24. | The total number of off-street parking spaces, including ratio and number of units per space. | X | X | X |
| 25. | List of required regulatory approvals/permits. | | X | |
| 26. | List of variances required or requested. | X | X | |
| 27. | Any requested or obtained design waivers or exceptions. | | X | X |
| 28. | Payment of application fees. | | X | X |
| 29. | The total area of the site that will be temporarily and/or permanently disturbed. | | X | |
| II. | ADDITIONAL INFORMATION REQUIRED FOR ADULT ORIENTED BUSINESSES | | | |
| 30. | Exterior doors and designate which doors will be for public ingress and egress | | X | X |
| 31. | Location of all exterior lighting and video surveillance devices | | X | X |
| 32. | Interior layout of every building and structure, including but not limited to: | | | |
| | - All walls, partitions, doors, windows, counters, screens, or room dividers; | | X | X |
| | - All performance areas; | | X | X |
| | - All performance seating or viewing booths or areas; | | X | X |
| | - All management stations; | | X | X |
| | - The dimensions and general layout of every room or area open to patrons; | | X | X |
| | - The dimensions and designation of every room accessible only to performers and or employees of the business; and | | X | X |
| | - The location and orientation of any merchandise displays. | | X | X |
| III. | SETTING-ENVIRONMENTAL INFORMATION | | | |
| 33. | All existing streets, watercourses, flood plains wetlands, or other environmentally sensitive areas on or adjacent to the site. | X | X | |
| 34. | Existing rights-of-way and/or easements on or immediately adjacent to the tract. | | X | |
| 35. | Topographical features of the subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on maps. | | X | |
| 36. | Field delineated or survey topo. | | | X |
| 37. | General areas of >15% slope shaded and identified as steep slopes. | | | |

For Discussion –
 Introduction –
 Public Hearing -
 Adopted -
 Enacted -

| Item# | DESCRIPTION | Sketch Plan | Major Site Plan | |
|--|---|-------------|-----------------|-------|
| | | | Prelim. | Final |
| 38. | Slope analysis of >15% slopes. These areas shall be shaded and identified as steep slopes. | | X | X |
| 37. | Forest Stand Delineation, as required. | | X | |
| 39. | The existing drainage system of the subject site and adjacent sites and any larger tract or basin is a part. | | X | X |
| 40. | A 100 Year Flood Plain based on FEMA maps. | | X | X |
| 41. | Tidal and non-tidal wetland delineation based on NWI maps and field review. | | X | |
| 42. | Non-tidal wetlands identification based on field delineation/determination. | | | X |
| 43. | Location of sensitive areas and their Buffers | X | X | X |
| 44. | Soil types based on County Soil Survey. | | X | |
| 45. | Traffic Impact Study, as required. | | X | |
| IV FOR SITES LOCATED WHOLLY OR PARTIALLY IN THE CRITICAL AREA | | | | |
| 46. | The number of acres in the Critical Area. | X | X | |
| 47. | Mean high waterline and landward edge of tidal wetlands. | X | X | |
| 48. | Location of existing forested areas to be disturbed by construction. Planting plan approved by the Maryland Forest Service (final). | X | X | X |
| 49. | The known locations of HPA's, the habitat of any threatened or endangered species, and the habitat of any Species in Need of Conservation (see Denton Critical Area Program). Habitat Protection Plan reviewed by the Maryland Fish, Heritage, and Wildlife Administration. | X | X | X |
| 50. | The location of the Critical Area Buffer and the expanded Buffer, as required. | X | X | |
| 51. | The 100' Buffer line, lot coverage, mitigation size, and location of adjacent structures, if applicable | X | | |
| 52. | Hydric and highly erodible soils based on the County Soil Survey. | X | X | |
| 53. | Shore erosion protection plan, if applicable. | X | | X |
| 54. | Environmental assessment. | | X | |
| III. PLATS, IMPROVEMENT PLANS, AND CONSTRUCTION INFORMATION | | | | |
| 55. | Grading and drainage plans, including roads, drainage ditches, sediment basins, and berms. | | X | X |
| 56. | Existing and proposed contour intervals as follows: | | X | X |
| | Less than 5% slope = 1 foot | | | |
| | 5 to 15% slopes = 2 feet or less | | | |
| | >15% = as required for construction | | | |
| 57. | The proposed location and size of the vehicular entrance(s) to the site. | X | X | X |
| 58. | Existing and proposed utility infrastructure plans and profiles, including sanitary sewer, water, storm drainage, and stormwater management. | | X | X |
| 59. | Grades and sizes of sanitary sewers and waterlines. | | X | X |
| 60. | Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of the sewer. | | X | |
| 61. | Location of any outdoor storage areas. | | X | X |
| 62. | Location of fire hydrants. | | X | X |

For Discussion –
 Introduction –
 Public Hearing -
 Adopted -
 Enacted -

| Item# | DESCRIPTION | Sketch Plan | Major Site Plan | |
|-------|---|----------------|-----------------|-------|
| | | | Prelim. | Final |
| 63. | Construction details as required by ordinance. | | | X |
| 64. | Stormwater Management Plan. | | X | X |
| 65. | Soil Erosion and Sediment Control Plan. | | X | X |
| 66. | Lighting plan and details. | | | X |
| 67. | Landscape plan and details. | | X | X |
| 68. | Forest Conservation Plan | | X | X |
| 69. | Preliminary architectural plan and elevations and statements concerning compliance with the standards outlined in Chapter 340, Article XVII. | X | X | X |
| 70. | Required County, State, and/or Federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License, MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals. | | | X |
| 71. | Public works agreement and surety instruments, as required. | | | X |

1346

For Discussion –
 Introduction –
 Public Hearing -
 Adopted -
 Enacted -

Appendix B

Basic Information Required with Subdivision Plats and Improvement Plans

Note: All plats and plans must be clear and legible. Incomplete plats will be returned to the applicant for completion and re-submission

| ITEM | DESCRIPTION | Subdivision Plats | | | | |
|-----------|--|-------------------|----------|-------|---------|-------|
| | | Sketch | Revision | Minor | Prelim. | Final |
| I. | GENERAL INFORMATION | | | | | |
| 1 | Name, address of owner, applicant, developer and lienholder, date of application. | X | X | X | X | X |
| 2 | Name and address of the engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation. | | X | X | X | X |
| 3 | Date of the survey. | | X | X | X | X |
| 4 | Seal, signature, and license number of the engineer, land surveyor, architect, and/or landscape architect, as applicable, involved in document preparation. Each sheet must have a surveyor's seal. | | X | X | X | X |
| 5 | Title block denoting name and type of application, tax map sheet, block and lots, parcel, and street location. | X | X | X | X | X |
| 6 | A vicinity map at a specified scale (no smaller than 1"=200') shows the tract's location with reference to surrounding properties, streets, landmarks, streams, etc. Show all of the property owned according to the Tax Map(s) if only part of the property is developed. | X | X | X | X | X |
| 7 | Existing and proposed zoning of the tract and adjacent property. | X | X | X | X | X |
| 8 | Adjacent property owners, names, Liber, and Folio. | | X | X | X | X |
| 9 | Title, north arrow, and scale (1"=50') or another scale as determined by the Planning Commission. | X | X | X | X | X |
| 10 | Appropriate signature block for Planning Commission chairman and other approving authorities. | | X | X | X | X |
| 11 | Appropriate certification blocks. | | | X | X | X |
| 12 | Certification and dedication by the owner or owners to the effect that the subdivision, as shown on the final plat, are made with their consent and desired to record the same. | | | X | | X |
| 13 | Monuments, location, and description. | | X | X | | X |
| 14 | Standardized sheets 18"x24" (final- black ink on mylar). | | X | X | X | X |
| 15 | Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central | | X | X | X | X |

For Discussion –
 Introduction –
 Public Hearing -
 Adopted -
 Enacted -

| ITEM | DESCRIPTION | Subdivision Plats | | | | |
|------------|---|-------------------|----------|-------|---------|-------|
| | | Sketch | Revision | Minor | Prelim. | Final |
| | angles for all centerlines and rights-of-way, and centerline curves on streets, datum, and benchmark, primary central points approved by the Town Engineer. (Boundary of proposed subdivision can be a deed plot). | | | | | |
| 16 | The acreage of the tract to the nearest thousandth of an acre. | X | X | X | X | X |
| 17 | Date of original and all revisions. | | X | X | X | X |
| 18 | Size and location of any existing or proposed structures with all setbacks dimensioned. Include storm drains, culverts, retaining walls, fences, stormwater management facilities, and sediment and erosion structures. | X | | X | X | X |
| 19 | Building restriction or setback lines (BRL, BSL) | X | X | X | X | X |
| 20 | Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways. Right-of-way widths. | | | | X | X |
| 21 | All proposed lot lines (width and depth) and area of lots in square feet, number of lots, lot numbers. | X | X | X | X | X |
| 22 | Location and type of utilities. | X | | X | X | X |
| 23 | Copy and/or delineation of any existing or proposed deed restrictions or covenants. | | | | X | X |
| 24 | References to protective covenants governing the maintenance of public spaces or reservations not dedicated to the Town. | | | | | X |
| 25 | Location and size of proposed common open space and/or other public areas. | | | | X | X |
| 26 | Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use. Location, dimensions of proposed reservations, right of ways, open space, buffers, forested areas, and permanent maintenance means. | | | X | X | X |
| 27 | Statement of owner dedicating streets, right-of-way, and any sites for public use. | | | | | X |
| 28 | Development stages or phasing plans, if applicable. Sections numbered by phase. | | | | X | X |
| 29 | List of required regulatory approvals/permits. | | | | X | X |
| 30 | List of variances required or requested. | | | | X | X |
| 31 | Requested or obtained design waivers or exceptions. | | | | X | X |
| 32 | Payment of application fees. | | X | X | X | X |
| II. | SITE CONDITIONS | | | | | |

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

| ITEM | DESCRIPTION | Subdivision Plats | | | | |
|------------|--|-------------------|----------|-------|---------|-------|
| | | Sketch | Revision | Minor | Prelim. | Final |
| 33 | All existing streets, watercourses, flood plains wetlands, or other environmentally sensitive areas on or adjacent to the site. | X | | | X | X |
| 34 | Existing rights-of-way and/or easements on or immediately adjacent to the tract. | X | X | X | X | X |
| 35 | Topographical features of the subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on maps. | | | X | | |
| 36 | Field delineated or survey topo. | | | | X | X |
| 37 | General areas of >15% slope shaded and identified as steep slopes. | | | | | |
| 38 | Slope analysis of >15% slopes. These areas shall be shaded and identified as steep slopes. | | | | X | X |
| 39 | Forest Stand Delineation. | | | | X | |
| 40 | The existing system of drainage of the subject site and adjacent sites and of any larger tract or basin of which it is a part. | | | | X | X |
| 41 | A 100-Year Flood Plain based on FEMA maps. | X | X | X | X | X |
| 42 | Tidal and non-tidal wetland delineation based on NWI maps and field review. | X | | | X | X |
| 43 | Non-tidal wetlands identification based on field delineation/determination. | | | X | X | X |
| 44 | Location of sensitive areas and their buffers. | X | | X | X | X |
| 45 | Soil types based on County Soil Survey. | | | X | X | X |
| 46 | Traffic Impact Study, as required. | | | | X | |
| 47 | Statement of effect on schools and school bus service, as required. | | | | | |
| III | FOR SITES LOCATED WHOLLY OR PARTIALLY IN THE CRITICAL AREA | | | | | |
| 48 | Location of the Critical Area District boundary and Critical Area designation. | X | | X | X | X |
| 49 | The number of acres in the Critical Area. | X | | X | X | X |
| 50 | Mean high waterline and landward edge of tidal wetlands. | X | | X | X | X |
| 51 | Location of existing forested areas to be disturbed by construction. Planting plan approved by the Maryland Forest Service. | X | | X | X | X |
| 52 | The known locations of HPA's, the habitat of any threatened or endangered species, and the habitat of any Species in Need of Conservation. Habitat Protection Plan | X | | X | X | X |

For Discussion –
 Introduction –
 Public Hearing -
 Adopted -
 Enacted -

| ITEM | DESCRIPTION | Subdivision Plats | | | | |
|------------------------------|--|-------------------|----------|-------|---------|-------|
| | | Sketch | Revision | Minor | Prelim. | Final |
| | reviewed by the Maryland Fish, Heritage, and Wildlife Administration. | | | | | |
| 53 | The location of the Critical Area Buffer, the expanded Buffer, and any Buffer Establishment Areas as required. | X | | X | X | X |
| 54 | Hydric and highly erodible soils based on the County Soil Survey. | | | X | X | X |
| 55 | Shore erosion protection plan, if applicable. | | | X | | X |
| 56 | Environmental assessment, as required by the Planning Commission. | | | | X | |
| IV. IMPROVEMENT PLANS | | | | | | |
| 57 | Subdivision plat. | | X | X | X | X |
| 58 | Grading and drainage plans, including roads, drainage ditches, sediment basins, and berms. | | | | X | X |
| 59 | Proposed street grades, typical cross-sections, profiles, right-of-way widths, pedestrian ways, and roads' total area. | | | | X | X |
| 60 | Existing and proposed utility infrastructure plans and profiles, including sanitary sewer, water, storm drainage, and stormwater management, as appropriate in the case of minor subdivisions. | | | | X | X |
| 61 | Grades and sizes of sanitary sewers and waterlines. | | | | X | X |
| 62 | Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of the sewer. | | | | X | |
| 63 | Certification from electric and telephone utilities of adequate facilities to serve the proposed development. | | | | | X |
| 64 | Location of fire hydrants. | | | | X | X |
| 65 | Construction details. | | | | | X |
| 66 | Stormwater Management Plan. | | | | X | X |
| 67 | Soil Erosion and Sediment Control Plan. | | | | X | X |
| 68 | Lighting plan and details. | | | | X | X |
| 69 | Landscape plan and details | | | | X | X |
| 70 | Forest Conservation Plan. | | | | X | X |
| 71 | Forest Management Plan (in the Critical Area) | | | | | X |
| 72 | Proposed street names. | | | | X | X |
| 73 | New block and lot numbers. | | | | X | X |
| 74 | Required County, State, and/or Federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License, | | | X | X | X |

For Discussion –
 Introduction –
 Public Hearing -
 Adopted -
 Enacted -

| ITEM | DESCRIPTION | Subdivision Plats | | | | |
|------|---|-------------------|----------|-------|---------|-------|
| | | Sketch | Revision | Minor | Prelim. | Final |
| | MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals. | | | | | |
| 75 | Public works agreement and surety and/or Developers Rights and Responsibility Agreement (DRRA). | | | | | X |

1353

DRAFT

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

APPENDIX C
TECHNICAL ADVISORY COMMITTEE (TAC) PROCEDURES

- A. Purpose. The Technical Advisory Committee (TAC) includes representatives of federal, state, Talbot County, and St. Michaels' agencies and departments who may have compliance input into any approvals required or any proposed site development or subdivision. The TAC reviews plats or plans for compliance with applicable local, state, and federal requirements. The purpose of the TAC review procedures is to inform an applicant for site plan or subdivision approval of requirements that might apply to the proposed site development or subdivision as early as practicable. The procedure and TAC comments present an opportunity for the applicant to address and resolve conflict or common concern issues in a coordinated and cost-efficient manner.
- B Meetings. There are two types of TAC meetings:
- (1) Plan review meetings (PRM), for review of initial or substantially amended site plan or subdivision submittals; and
 - (2) Compliance review meetings (CRM), for review of substantially correct and complete final site plans, final plats, and minor amendments to it before the Planning Commission's signature approval.
- C. Meeting agenda. The Zoning Inspector shall establish the PRM and CRM agenda and may limit the topics of discussion and consideration.
- D. Plan review meetings (PRM).
- (1) Upon determining that a new or substantially amended site plan or subdivision application (i.e., sketch plan, preliminary, or final submittals) is complete, the Zoning Inspector shall submit copies of the submittals to the members of the TAC who the Zoning Inspector determines should participate in a PRM. The PRM shall be scheduled during the next available TAC meeting. If there is a backlog of applications, the TAC shall consider applications in the order completed. No meeting will be scheduled for a major site plan or subdivision until the TAC has at least five (5) business days to review the submittals.
 - (2) PRM shall be open to the public, but the public may not make oral comments or presentations during a PRM. Interested persons may submit written comments on a site plan or subdivision application to the Zoning Inspector before, on the day of, or within seven (7) days after a PRM.
 - (3) The agenda of a PRM shall be prominently displayed on the Town of St. Michaels website. Also, public notice of a PRM shall be provided on the Bulletin Board at the Municipal Building/Town Office.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

1390 E. Compliance review meetings (CRM). The CRM provides a coordinated agency review of
1391 each final site plan, subdivision plat, and revisions. The CRM ensures that all conditions
1392 and requirements have been addressed before such a site plan or plat is submitted to the
1393 Planning Commission for signature/execution and recordation in the Land Records of
1394 Talbot County.

1395 F. Action by Zoning Inspector. Within fifteen (15) days (excluding holidays and holiday
1396 weekends) following a PRM, the Zoning Inspector will transmit to the applicant the
1397 comments of the reviewing agencies and one of the following:

1398 (1) A notice to proceed if the site plan or subdivision plat is determined to comply or
1399 substantially comply with the applicable requirements.

1400 (a) If no revisions are needed, a complete and correct site plan or subdivision
1401 plat will be approved.

1402 (b) The site plan or subdivision plat shall be approved subject to conditions if
1403 it is substantially complete and correct but requires minor corrections and
1404 revisions.

1405 (2) A notice of noncompliance if the site plan or subdivision plat is not in substantial
1406 compliance with applicable requirements.

1407 G. Action by Planning Commission. The following procedures apply only to site plans or
1408 subdivision plats for which this article requires Planning Commission approval.

1409 (1) Scheduling. After the Zoning Inspector issues a notice to proceed following the
1410 PRM, the application shall be placed on the agenda of the next available Planning
1411 Commission meeting for which the required public notice can be provided, and
1412 the Planning Commission may be afforded a reasonable opportunity to review the
1413 site plan or subdivision application submittals. If the applicant requests an
1414 opportunity to revise a site plan or subdivision plat before submittal to the
1415 Planning Commission, the application shall not be placed on the Planning
1416 Commission meeting agenda until the earlier of the next Planning Commission
1417 meeting after the submittal of the revised site plan or subdivision plat or the next
1418 meeting within sixty (60) days following approval or approval with conditions by
1419 the TAC.

1420 (2) Notice. Notice of the hearing shall be provided at least twenty (20) days before
1421 the public meeting of the Planning Commission to review a site plan or
1422 subdivision application as provided below:

1423 (a) Notice shall be posted on the Internet site of St. Michaels advising of the
1424 hearing and the address/location of the property proposed for subdivision;
1425 and

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

- 1426 (b) Notice of the proposed site plan or subdivision shall be mailed, at the
1427 applicant's expense, to each adjacent property owner, as determined from
1428 records maintained by the State Department of Assessments and Taxation,
1429 of the proposed subdivision. The notice shall include the date of the
1430 hearing, location, time, and the subject of the hearing; and
- 1431 (c) Notice posted on the property proposed for a site plan or subdivision will
1432 include the hearing date, be placed at locations conspicuous to public
1433 view, and utilize a sign large enough for public viewing from public
1434 byways. The applicant is responsible for all notice expenses.
- 1435 (3) Staff report. The Zoning Inspector shall prepare a staff report on all applications,
1436 which shall be provided to Planning Commission members and the applicant and
1437 be available for public review before the Planning Commission meeting.
- 1438 (4) Planning Commission action. At its public meeting, the Planning Commission
1439 shall consider the application, the staff report, and any comments made by the
1440 applicant and citizens before taking action. The Commission's actions may
1441 include approval, approval subject to conditions, or disapproval of a site plan or
1442 subdivision. The Planning Commission may defer action to a subsequent Planning
1443 Commission meeting, particularly if the record is held open. The public meeting
1444 is not an evidentiary or quasi-judicial hearing. There is no right to present
1445 evidence or to cross-examine persons who speak at the meeting. The Chair of the
1446 Planning Commission shall decide what procedures will be implemented during
1447 the meeting on a specific application. The Chair shall allow the applicant or
1448 public members to make oral presentations relevant to the subject being
1449 discussed. The Chair may establish time limits for any oral comments allowed.
1450 Planning Commission members may ask questions of the applicant or any citizen
1451 at a meeting. The hearing record will incorporate all letters or exhibits received by
1452 the Planning Commission. The TAC member(s) will review all relevant technical
1453 data or comments presented. Oral comments offered need not be recorded or
1454 transcribed. An administrative record will be maintained of all documents,
1455 including electronically stored or transmitted documents, that are correctly
1456 submitted to and available for consideration by the Planning Commission.
- 1457 (5) Review notice.
- 1458 (a) If the Planning Commission approves a site plan or subdivision plat or
1459 approves either subject to conditions, the Zoning Inspector shall issue a
1460 notice to proceed. This notice authorizes the applicant to proceed to the
1461 next stage of a site plan or subdivision plat review and stating any
1462 conditions imposed by the Planning Commission.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

1463 (b) If the Planning Commission disapproves a site plan or subdivision plat, the
1464 Zoning Inspector shall issue a notice of noncompliance and specify the
1465 ~~deficiencies with the application.~~

1466 H. Application and submittals format.

1467 (1) Applications for site plan approval shall contain the information outlined in
1468 Appendix A.

1469 (2) Applications for subdivision approval shall contain the information outlined in
1470 Appendix B.

1471 (3) The information required in the event a special exception or variance from a
1472 zoning requirement may be necessary as governed by Chapter 340 of the Town
1473 Code.

1474 (4) The Zoning Inspector shall have the authority to request additional information
1475 not explicitly listed on the application forms to ensure compliance with this Town
1476 Code and the other laws and regulations applicable to the proposed site
1477 development or subdivision.

1478 (5) The Zoning Inspector may waive any information requirements he/she agrees are
1479 not necessary at the applicant's written request.

1480 I. Fees. All applications must be accompanied by the fees required by the fee schedule
1481 established by the Town Commissioners.

1482 J. Review for completeness. The Zoning Inspector generally shall, within no more than
1483 fifteen (15) days after receipt of an application, determine whether the application is
1484 complete. If the application is not complete, the applicant shall be notified in writing,
1485 specifying the deficiencies, listing additional information that must be supplied, and
1486 stating that the Town will take no further review of the application until the deficiencies
1487 are corrected, and any additional information or material is submitted.

1488 K. Coordinated processing. If the Town Code requires more than one type of application for
1489 a proposed development or subdivision, the Zoning Inspector will, to the extent
1490 practicable, provide for concurrent review of applications related to the same proposed
1491 development or activity.

1492 L. Notification of Critical Area Commission.

1493 (1) If a site plan or subdivision plat application involves development located wholly
1494 or partially within the Critical Area; the Zoning Inspector will invite a
1495 representative from the Critical Area Commission (CAC) to participate in the
1496 TAC meeting. The applicant shall provide a copy of all submittals for the Town to
1497 forward to the CAC.

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

- 1498 (2) The Zoning Inspector shall provide the applicant with copies of any comments
1499 received from the CAC about the applicant's proposed site development or
1500 subdivision. The applicant shall copy the Zoning Inspector with any comments
1501 that the applicant receives from the CAC relative to the proposed subdivision.
- 1502 (3) If the applicant will require growth allocation to develop the land proposed for
1503 development or subdivision or any portion thereof; the applicant will be required
1504 to obtain such growth allocation before the submittal of a site plan or subdivision
1505 plat application according to this chapter.

1506

1507 **SECTION 3.**
1508

1509 **HAVING BEEN INTRODUCED**, read for the first time and ordered posted on the Town
1510 bulletin board at the Public Meeting of the Commissioners of St. Michaels held on this_____ day of
1511 _____ 2021, at 6 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Municipal Building
1512 (Town Office), St. Michaels, Maryland.

_____(SEAL)
Jean R. Weisman
Town Clerk\Manager

1513

1514

1515

1516

1517 **HAVING BEEN READ** for the second time and passed by a yea and nay vote of The
1518 Commissioners of St. Michaels at a Public Hearing of The Commissioners of St. Michaels held on
1519 this _____day of _____, 2021, at 6 o'clock p.m., in the meeting room at the Edgar M. Bosley,
1520 Jr. Municipal Building (Town Office), St. Michaels, Maryland.

1521

Bibb - _____
Briemhurst - _____
duPont - _____
Windon - _____

For Discussion –
Introduction –
Public Hearing -
Adopted -
Enacted -

Harrod - _____

1522

1523 I HEREBY CERTIFY that this Ordinance was passed by a yea and nay vote of The
1524 Commissioners of St. Michaels on the ____ day of _____, 2021 , and that the Exhibit attached
1525 hereto is a true copy of the Exhibit referred to in this Ordinance.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

Jean R. Weisman, Town Clerk\Manager

BY: _____
(SEAL)
Joyce Harrod, President

1526 I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the
1527 ____ day of _____, 2021, at 8:30 o'clock a.m. to the ____ day of _____, 2021, at 4:30 o'clock
1528 p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the
1529 above Ordinance, the date of its passage, its effective date and the fact that the entire text of the
1530 Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least
1531 twenty (20) days following the passage, has been published at least once each week for three (3)
1532 consecutive weeks following the passage of said Ordinance in a newspaper having general circulation
1533 in the Town of St. Michaels.

1534

Date: _____, 2021

Jean R. Weisman, Town Clerk\Manager

1535

1536